By Mr. LUCE: Joint resolution (H. J. Res. 183) authorizing the removal of the Bartholdi fountain from its present location and authorizing its reerection on other public grounds in the District of Columbia; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9835) granting an increase of pension to Samantha Sparks; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 9836) for the relief of John D. Dorris; to the Commitee on War Claims.

Also, a bill (H. R. 9837) granting an increase of pension to Margaret E. Giles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9838) granting an increase of pension to Isabell D. Heeter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9839) granting an increase of pension to Nancy J. Temple; to the Committee on Invalid Pensions.

By Mr. CAREW: A bill (H. R. 9840) to correct the military record of Nicholas Jones; to the Committee on Military Affairs.

By Mr. DAVENPORT: A bill (H. R. 9841) granting a pension to Mary G. Green; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 9842) granting an increase of pension to Martha A. Haggard; to the Committee on Invalid Pensions.

By Mr. DOUGLASS: A bill (H. R. 9843) for the relief of Max Baratz; to the Committee on Claims.

By Mr. FREEMAN: A bill (H. R. 9844) granting a pension to Johanna Mansfield; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 9845) granting a pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 9846) granting a pension to Mary Jager; to the Committee on Pensions.

By Mr. KELLY: A bill (H. R. 9847) granting a pension to Margaret McWhinney; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9848) granting an increase of pension to Hannah C. Williams; to the Committee on Invalid Pensions.

By Mr. McDUFFIE: A bill (H. R. 9849) granting a pension to Jesse R. Latham; to the Committee on Pensions.

By Mr. MENGES: A bill (H. R. 9850) granting an increase of pension to Sarah A. Roth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9851) granting an increase of pension to Adacinda Kurtz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9852) granting an increase of pension to Rebecca Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9853) granting an increase of pension to Irena Miller; to the Committee on Invalid Pensions.

By Mr. O'CONNELL of New York: A bill (H. R. 9854) for the relief of Hernando de Soto; to the Committee on Foreign Affairs.

By Mr. REECE: A bill (H. R. 9855) for the relief of Kennedy F. Foster; to the Committee on Military Affairs.

Also, a bill (H. R. 9856) granting a pension to Mollie M. Roberts; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9857) granting a pension to William Russell Smith; to the Committee on Pensions.

By Mr. SEARS of Florida: A bill (H. R. 9858) for the relief of certain property owners in Orange County, Fla.; to the Committee on Ways and Means.

By Mr. SPROUL of Kansas: A bill (H. R. 9859) granting a pension to Frank C. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9860) granting a pension to Nancy D. McGuire; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 9861) for the relief of Wynona A. Dixon; to the Committee on War Claims.

By Mr. SWING: A bill (H. R. 9862) for the relief of Hadley Thomas; to the Committee on the Civil Service.

By Mr. TABER: A bill (H. R. 9863) granting an increase of pension to Margaret Crelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9864) granting an increase of pension to Anna E. Doty; to the Committee on Invalid Pensions.

By Mr. THATCHER: A bill (H. R. 9865) granting a pension to Annie Anderson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9866) granting a pension to Frank W. Marsters; to the Committee on Pensions.

By Mr. WELLER (by request): A bill (H. R. 9867) for the relief of Charlotte L. T. Coca; to the Committee on Naval Affairs.

By Mr. COLTON: Resolution (H. Res. 152) to pay Robert Curry additional compensation as janitor to the Committee on Elections No. 1; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

843. By Mr. BLOOM: Petition of the Catholic Central Verein of America, New York local branch, concerning the so-called Curtis-Reed education bill; to the Committee on Education.

844. By Mr. CROWTHER: Petition against the enactment of House bills 7179 and 7822, compulsory Sunday observance; to the Committee on Education.

845. Also, petition of voters of Amsterdam, N. Y., urging opposition to the Curtis-Reed bill; to the Committee on Education.

846. By Mr. GALLIVAN: Petition of Moses S. Lourie, 50 Bradshaw Street, Dorchester, Mass., recommending early and favorable consideration of the Graham bill to increase salaries of the Federal judges; to the Committee on the Judiciary.

847. By Mr. GARBER: Letter and resolution by the National Cooperative Milk Producers' Federation, protesting against the inclusion in the independent offices' appropriation bill of appropriation for the United States Tariff Commission; to the Committee on Ways and Means.

848. Also, resolution by taxpayers of Enid, Garfield County, Okla., protesting against the Curtis-Reed bill (S. 291 and H. R. 5000); to the Committee on Interstate and Foreign Commerce.

849. Also, resolution by Associated Federal Board Students, University of Arizona, and others, favoring the passage of House bill 4474, introduced in the House December 9, 1925; also letter from the president of the University of Arizona, favoring such legislation; to the Committee on World War Veterans' Legislation.

850. By Mr. LINDSAY: Petition of the New York City Federation of Women's Clubs, urging that there be a Federal investigation of the American Telephone & Telegraph Co., of which the New York Telephone Co. is but a subsidiary, in order to ascertain how much is needed to finance the city company, and thus be able to fix just charges for the people of New York City; to the Committee on Interstate and Foreign Commerce.

851. By Mr. MOONEY: Petition of United Cleveland Immigrant Conference, indorsing the Perlman immigration bill and protesting the Aswel alien registration bill; to the Committee on Immigration and Naturalization.

852. By Mr. MORIN: Petition of the Catholic Daughters of America, Mrs. Margaret A. Ebrenz, grand regent, of Pittsburgh, Pa., protesting against the passage of the Curtis-Reed bill providing for a department of education; to the Committee on Education.

853. My Mr. O'CONNELL of New York: Petition of the Associated Industries of New York State (Inc.), of Buffalo, N. Y., favoring an amendment to House bill 7180, to give to some Federal administrative body the power to suspend, review, and make decisions binding on both parties in the dispute; to the Committee on Interstate and Foreign Commerce.

854. Also, petition of the National Cooperative Milk Producers' Federation, favoring the abolishment of the United States Tariff Commission; to the Committee on Ways and Means.

855. By Mr. ROUSE: Petition of citizens of Kenton and Campbell Counties, of the State of Kentucky, asking for the passage of House bill 98; to the Committee on Pensions.

SENATE

MONDAY, *March 1, 1926*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we render thanks to Thee this morning. Thou hast permitted us to see another month open before us. Goodness and mercy have been our portion thus far, and as we look toward the days ahead we want to realize that we are in Thy care, seeking for Thy guidance. Deliver us from all self-seeking. Deliver us from all the things that depreciate our existence. Give unto us the wisdom to do the things that please Thee. Hear us; be with us through this day and all the days that may yet be given unto us. We ask in Jesus Christ's name. Amen.

The Chief Clerk proceeded to read the Journal of the proceedings of the legislative day of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS

Mr. ASHURST. Mr. President, in the nature of a petition, I ask to have read and lie on the table the telegram which I send to the desk.

The VICE PRESIDENT. The telegram will be read and lie on the table.

The Chief Clerk read as follows:

FLAGSTAFF ARIZ, *February 28, 1926—1.50 a. m.*

Hon. HENRY F. ASHURST,

United States Senate, Washington, D. C.:

We respectfully request your earnest support to the passage of the Italian debt settlement now before the Senate. We believe it will in a large measure benefit basic industries of Arizona.

CHAMBER OF COMMERCE.

Mr. KENDRICK presented resolutions adopted by the Lions Club, of Lusk, Wyo., favoring the passage of legislation providing for the inclusion of the Teton Mountains in the Yellowstone National Park, which were referred to the Committee on Public Lands and Surveys.

Mr. HOWELL presented a petition of sundry citizens of Omaha, Nebr., praying for the passage of Senate bill 98, providing increased pensions to Spanish-American War veterans and their widows, which was referred to the Committee on Pensions.

Mr. WILLIS presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, protesting against the terms of the proposed Italian debt settlement, which were ordered to lie on the table.

He also presented resolutions adopted by the Trumbull County Pomona Grange in session at Gustavus, Trumbull County, Ohio, favoring the passage of the so-called Capper-French truth in fabric bill, which were referred to the Committee on Interstate Commerce.

EMPLOYMENT OF AN ADDITIONAL PAGE

Mr. KEYES. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution (S. Res. 160) authorizing the employment of an additional page for the remainder of the present session. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 160) submitted by Mr. CURTIS on February 26, 1926, was read, considered, and agreed to, as follows:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ an additional page for the remainder of the present session of Congress, to be paid from the contingent fund of the Senate, at the rate of $3.30 per day.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIS:

A bill (S. 3338) granting an increase of pension to Arabelle Lehnhard (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3339) amending subchapter 5 of the Code of Law of the District of Columbia, as amended to June 7, 1924, relating to offenses against public policy; to the Committee on the District of Columbia.

By Mr. FESS:

A bill (S. 3340) to regulate interstate commerce in articles made by convict labor; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 3341) for the relief of Henry von Hess; to the Committee on Military Affairs.

By Mr. CAMERON:

A bill (S. 3342) to remove clouds from the title of the Verde River irrigation and power district to its approved rights of way for reservoirs and canals and extend the time for construction of its project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. SHORTRIDGE:

A bill (S. 3343) for the relief of Estella Howard; and

A bill (S. 3344) for the relief of Mabel Blanche Rockwell; to the Committee on Claims.

A bill (S. 3345) granting a pension to Charles Rives; and

A bill (S. 3346) granting an increase of pension to Patrick J. Manning; to the Committee on Pensions.

By Mr. McKINLEY:

A bill (S. 3347) to enlarge, extend, and remodel the post-office building at Sterling, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MAYFIELD:

A bill (S. 3348) granting a pension to Mary E. Shadle (with accompanying papers); to the Committee on Pensions.

By Mr. KENDRICK:

A bill (S. 3349) granting an increase of pension to James H. Schnider; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3350) authorizing the President to appoint Richard R. Baker, jr., to the position and rank of first lieutenant in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. WILLIAMS:

A bill (S. 3351) to amend section 135 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 3352) granting a pension to Mary J. Walters;

A bill (S. 3353) granting a pension to George B. Bridges (with accompanying papers);

A bill (S. 3354) granting a pension to Joseph L. Youngs (with accompanying papers);

A bill (S. 3355) granting a pension to Joseph M. Cameron (with accompanying papers); and

A bill (S. 3356) granting an increase of pension to Phoebe E. Burkhart (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A joint resolution (S. J. Res. 62) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Agriculture and Forestry.

AMENDMENT TO PUBLIC BUILDINGS BILL

Mr. BRUCE submitted an amendment intended to be proposed by him to the bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, which was ordered to lie on the table and to be printed.

NATIONAL FORESTS AND THE PUBLIC DOMAIN

Mr. ODDIE. Mr. President, I ask unanimous consent to have printed in the RECORD a very able and illuminating statement by Vernon Metcalf, secretary of the Nevada Land and Livestock Association, with reference to national forests and the public domain.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS AND PUBLIC DOMAIN

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON
PUBLIC LANDS AND SURVEYS,
Reno, Nev., Monday, September 21, 1925.

The subcommittee met, pursuant to adjournment on Saturday, September 19, 1925, in the Y. M. C. A. Building, Reno, Nev., at 10 o'clock a. m., Monday, September 21, 1925, Senator Robert N. Stanfield (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Gentlemen, this is a meeeting of a subcommittee of the Committee on Public Lands and Surveys of the United States Senate. These meetings are being held pursuant to a resolution adopted by the Senate at its last session. The provisions of the Senate resolution place no limit upon the scope of investigations by this committee into matters relating to the public domain and the national forests. The committee has power to investigate and to recommend legislation on any or all phases of the utilization or disposition of the lands themselves, the forage growing thereon, and the timber, mineral, or other resources in or upon these areas.

The scope of our investigations includes not only the public domain but all public lands, all reservations that have been taken from the public domain, such as Indian reservations, mineral reservations, national monuments, national parks, and game reserves. Congress was induced to adopt this resolution by reason of certain bills pending before it during the last session and some bills that have been pending for the previous two or three sessions of Congress, such as a bill for the leasing of the public domain, and for regulation of grazing fees within the national forest.

Is Mr. George Russell, president of the Nevada Land and Live Stock Association, present? Apparently he is not here. We will call Mr. Metcalf.

STATEMENT OF VERNON METCALF, RENO, NEV., SECRETARY OF THE NEVADA LAND AND LIVESTOCK ASSOCIATION

The CHAIRMAN. Mr. Metcalf, will you give your name and address and official connections to the reporter?

Mr. METCALF. The name is Vernon Metcalf. My address is Reno, Nev. I am secretary of the Nevada Land and Livestock Association.

The CHAIRMAN. Have you a statement, Mr. Metcalf?

Mr. METCALF. I have, sir.

The CHAIRMAN. Will you kindly give it to the committee in your own way?

Mr. METCALF. Mr. Chairman, Senator ODDIE, and gentlemen, the first statement I would like to present is a statement left here by the president of the Nevada Land and Livestock Association, whose private business called him away. It is a signed statement. May I read this?

The CHAIRMAN. Yes; you may proceed.

Mr. METCALF. It was the plan, gentlemen, to have Mr. Russell, president of the Nevada Land and Livestock Association, make this statement which he prepared. His private business called him away, so that it now is up to me to act in his place by reading this statement. It says [reading]:

"After several attempts over past years which were not successful as to permanence, the cattle and sheep growers of Nevada, believing that the many troubles confronting them needed organized attention, organized some six years ago what is now known as the Nevada Land and Livestock Association. Feeling that one of their major problems concerned the question of their ranges, they borrowed and then retained to handle their organization the services of the present secretary, who for some 12 or 13 years had been employed by the United States Government along lines directly connected with this problem, his duties having taken him to practically all parts of the range territory of the West, and who had been supervisor of most of the national forest ranges in Nevada, and at the time was in general charge of all lines of activity upon the national forests in Nevada.

"Believing also that the only intelligent method of attacking the complexities of this great problem was to study and investigate its every phase from its very beginning, it has been the policy to have our secretary do this, with all of us lending him our aid. This, we think, has resulted in building up a set of facts based upon directly contributing causes to our troubles rather than to deal with all the varied and numerous local troubles, which, after all, are merely effects from fundamental causes. These facts have been arranged carefully in logical sequence, dealing only with effects sufficiently to point out causes.

"In our numerous conventions since the beginning of our organization many of these angles have been dwelt upon and made the source of resolutions, statements of fact, etc. They have also been used for bringing our troubles to the attention of the various other interests to the end that the whole State might interest itself in these troubles underlying a major basic industry to the end that all could and might help in their solution.

"This led two years ago to the resolution which, so far as we know, was the first request for an investigation of the whole national and public domain range question by just such an impartial agency as you gentlemen represent who are here with us to-day. Thus, we see a step in our hopes realized.

"Within recent days, through the executive committee of our association and its members, we have made a checking up of all the facts at our command and endeavored to crystallize our suggestions as to what might best be done to correct what we know to be a bad situation.

"In order to concentrate on causes and finally to conclude with our suggestions for correction in such manner as to present our case logically with facts arranged in sequence, it has been our decision to have our statement made in full, first, by our secretary. This, we feel, will avoid that great mass of disconnected, often misunderstood, and often contradictory statements, which are bound to occur when individuals of us, not having made a complete study of all phases of the situation, and impressed principally with our own local circumstances, endeavor to discuss the matter.

"Before calling upon our secretary, it might be well to let you know, for the record, that our association represents both sheep and cattlemen of the State, all parts of the State, and all sizes of owners from the smallest through all other classes, and that its reputation in all its various actions has secured for it the credit of working for the industry as a whole. For any necessary indorsement of these points, various of our State officials are present, who can properly answer.

"In such a matter as is before us, even though we agree upon the principles, there is necessarily some shades of opinion with the interests of so many settlers concerned.

"After our statement has been presented and you are ready, we have a number of settlers present, representing various sections of the State, whom you may feel free to call upon either to verify the points in the statement, to disagree with any, or to give their own personal opinions, regardless of the statement.

"If our plan coincides with the wishes of your committee, the presence of which we all so greatly appreciate, we will suggest that our statement by our secretary now be heard.

"GEO. RUSSELL, Jr.,
"President of the Nevada Land and Live Stock Association."

Mr. METCALF. Preliminary to the statement, I don't know whether it is proper, Mr. Chairman, to submit charts in this connection?

The CHAIRMAN. You may file any chart that you wish to file, Mr. Metcalf.

Mr. METCALF. This chart has seen long service and is rather a dilapidated-looking affair to file. If you care for it, we will be glad to turn it over to you.

In this chart an attempt has been made to draw to scale within the red line all the land area of Nevada. The 70,000,000 acres of land surface in the State is represented by scale within the red line on the chart. The divisions of the chart show a classification of the lands as to ownership and status. In this corner first we will take the area of the national forest, drawn to scale also, something in excess of five and a quarter million acres. Below that is the area of Indian reservation land, which is something in excess of 1,000,000 acres.

In the other corner in the two rectangles are all the taxable lands there are on the tax rolls of the State, drawn to scale, against the 70,000,000 acres of land. That is subdivided. The top rectangle is the railroad-grant land, which, as you know, is the raw sagebrush or otherwise covered land in its natural state, checkerboarded for 20 miles on each side of the right of way and granted to the railroad at the time of its construction.

The lower rectangle shows drawn to scale the area of all the rest of the taxable lands of the State owned by citizens other than the railroad company or corporations.

Now, down in the corner last of all, drawn to scale, is the crop land of this 70,000,000 acres of land in this State. That includes all of the meadow hay land as well as the alfalfa land and other crop land.

When we take out the hay land and get down to what you might call a diversified-crop land we have this small solid black rectangle way down in this corner. Now, of that area I think, according to the last census, that all but some 4,000 acres were in cereals. So far as we can find from the records of the public service commission, which show all the tonnage classified hauled by the railroads on the trackage in Nevada, very little of those cereals get out of this State to market. Principally they go into some branch of the livestock industry—hogs, poultry, something along that line.

The point that I would like to make with this chart is to show clearly that at least outside of this black rectangle representing diversified crops with cereals the utilization of everything that grows on all the rest of that land surface is up to the livestock industry. In other words, it must be through the medium of the livestock industry that any wealth that is on the surface of those lands be manufactured into business and revenue.

With that picture of the situation as to the classification and ownership of land in the State, the method through which the surface product must be realized upon for business and revenue, we proceed with the statement.

Few things are settled until they are settled right. The persistent discord and discontent which almost ever since its beginning has marked the public-land policy of our country as applied to the great range sections of the arid and semiarid sections of the West is, in our opinion, merely a manifestation of that axiom.

The policy was wrong in its very beginning and has continued wrong, in our opinion, chiefly because it was developed and applied without that preliminary study of the subject matter to be handled which generally precedes any intelligent attempt at administration of anything. Instead of such preliminary study as a basis for a policy to be applied to the particular area in question, a policy which had been found fairly applicable to the lands of the Middle West was adopted, without thought, apparently, as to whether the fundamental conditions on the ground in the West were even similar in characteristics to those which had guided development of that policy for application to the Middle West. The fact that they were almost exactly dissimilar is, quite naturally, the outstanding reason why the policy has never fit the situation.

The value of land, in so far as is concerned the question at hand, must necessarily be guided by its productive possibilities from such standpoints as climate, topography, marketability, etc. Had a study of this matter been conducted preliminary to application of public-land policies to the lands of the West mentioned above, it would quickly have been found that, in the main, they were valuable only as they were related to the production of a great natural resource, the yearly forage crop produced principally by nature upon the great range stretches. Instead of land primarily, it would have been found, as we find now, that the question really concerns a resource and that the land is, in fact, something of a side issue. The next problem would have been to decide how best that resource might function as a producer of benefit to the welfare of the country as a whole. From an economic standpoint it would have been found, as now, that its production into business and revenue required its utilization by the stock-raising industry. To secure for the country as a whole, the maximum returns for such purposes on a permanent basis policies should have been developed surrounding its best use, taking into consideration all those peculiar but natural conditions surrounding it.

Outstanding among those conditions would have been found the fact that features of geography, particularly that of elevation, had divided the lands concerned into zones, irregular as to limit lines and location but definite as to seasonal availability or use for agricultural or stock-raising purposes. Generally speaking, only the lower elevations, the valleys, were available in winter, only the high mountain ranges in summer, and the intermediate foothill country in spring and fall. Thus, instead of a great areas providing simply range, they provided instead a certain area, limited in each case by nature, of summer feeding grounds, a certain area of winter feeding grounds, and a certain area of spring and fall feeding grounds.

Right here, it seems, the situation would have been apparent, had a preliminary study been conducted, that any intelligent use of the resource by an industry the conduct of which is absolutely based upon the availability of feeding grounds for each season of the year would, in turn, have to be based upon a plan involving arrangement or grouping of the seasonal areas into sets furnishing year-round operating bases.

The real cause behind existing difficulties in this whole problem seems directly traceable to the fact that practically every step in the application of our public-land policies ignored this situation and, instead of apportionment of the lands, primarily of value because of the resource produced by them, in complete sets, have ever gone forward on a basis which from the start has resulted in apportionment among the various groups and agencies now in possession of mere parts rather than complete sets.

A review of the existing situation is usually a good starting point for consideration of corrective measures, and therefore a tracing of the developments resulting from application of such a policy as that outlined above seems desirable.

Developments proceeded somewhat as follows:

It was inevitable that the resource concerned became the starting point for what became the stockraising and ranching industry. The pioneer in that line found a complete base of operations meant provision of feeding grounds for each season of the year, as mentioned above. Nature's provisions for summer feeding grounds and for spring and fall feeding grounds were ample, but the need was seen for quarters where hay could be supplied for carrying all or part of the stock herds through the winter, when, because of climatic conditions, use of the ranges was restricted, the degree depending upon locality. The land policy in effect at the time permitted, as outlined above, only a grant to an area sufficient for a hay ranch or winter quarters. There was no law covering the other seasonal areas. A basic industry, upon which to material extent was later to be reared the entire business and governmental structures of the States of the West, came into being on a basis where the operator owned but a part instead of a complete operation, his future forever bound up in the problem of what happened to the other parts.

As settlers came and established themselves under the laws existing they prospected around for an unoccupied range for summer, with an unoccupied spring and fall range to fit, and then, acquiring under the land laws, their winter feeding quarters, began their battle with the other conditions always making the business a tremendous risk, looking to the time when through their pioneering efforts they could establish a home unit for themselves and their families.

As has been the history of the human race, lacking law to protect those rights upon which the safety of all depended, local customs, which is nothing but the application of the best judgment of the majority as to the safety of those rights, came into being. That custom recognized the fact that without recognition and protection for each settler in those seasonal feeding grounds which he could not own, there could be no property rights in the part which he had to own. The majority forced recognition of this custom as settlement went forward, an exact parallel being the case of the use of water for irrigation in the same arid and semiarid sections.

A resource was being exploited for the building of the great West, but without the application of man-made law surrounding it. That resource had its values when it could be so used as to realize upon them, and that use, as pointed out, depended primarily upon the grouping of the parts into complete sets. What became of those values?

What happened under the circumstances is exactly what always happens when rights are recognized and protected in law to an incomplete thing and when the owner thereof in order to operate, takes, and for years uses, with or not with consent, at least without remonstrance from the legal owner, those other parts necessary to completeness. The values of the operating base, as a whole, owned and unowned, become attached to the owned part. Again, an exact parallel is the case of water for irrigation in its relation to the lands upon which it is used. Under reasonably secure economic conditions, values of business enterprises are rather inexorably fixed by the returns possible from the disposal of whatever the operation produces. What the settlers were building, as shown above, was the ability to operate a certain number of livestock year round, because upon that ability depended the crop, the sale of which had to furnish the wherewithal for the operation as a whole. That ability in turn depended upon availability of the operating plant as a whole, and the operating plant as a whole was the year-round feeding grounds, owned and unowned. So that ability upon which settlement depended in the beginning and upon which the industry came into being and is in being became the foundation of the whole situation.

Commercial and professional business followed settlement, as did local government. It all built upon the back of the settler, whose foundation in turn was the ability to operate, so that ability became the common foundation for all.

Barter and trade went forward under the prevailing conditions. Its basis was also the ability to operate. When an outfit changed hands the value was inevitably based upon what ability it had to operate the number of stock concerned. Therefore, in turn, the values in the operating plant as a whole, owned and unowned, were the basis for the investment values under which barter and trade proceeded, and on that basis those values in full went directly into the commercial life of the whole country and became to a very great extent the foundation of that commercial structure. As deeds could be furnished only to the owned lands of the complete operation, the values of the whole quickly became attached to the owned portions. Those values attached became the basis for tax valuations and went on State and county tax rolls. They became the basis for valuation of securities in financial transactions.

Up to this point in the development the economic situation was secure even despite lack of law. The values upon which the business and local governmental structures were built were in existence. They were exploited, or commercialized, it is true, but not overexploited or commercialized. Despite its delay, had law come even by that time under which the values in the resource concerned had been made secure in the places they had naturally taken, all would have been well.

It did not come. What happened next?

Grouping of parts of anything always involves the principle that the number of sets which can be completed will be limited by that part least in number or extent.

I might just make a straight example there again with our old freight-outfit comparison, a freight outfit taking three necessary parts to complete a unit: A harness, a team of horses, and a wagon. Just as this situation takes three seasonal feeding grounds to complete a feeding unit for operation—summer, spring, fall, and winter—no one of which could be used successfully in the other season of the year, no two of which a man could use to get any place with any more than he could haul freight with a set of harness and a wagon and no horses. Now, if we had a million wagons and 500,000 horses and only 250,000 sets of harness, you could make only 250,000 freight outfits. It is limited by that thing least in extent—the harness.

The natural conditions on the ground made the limiting part the summer range, this seasonal range having less carrying capacity for stock than either the spring and fall or the winter feeding grounds. In the picture of the development of the situation just given, it will be noted that the land law under which settlement proceeded instead of applying to the summer range, the part to the complete sets least in extent, applied to those areas forming winter feeding quarters, probably greatest in extent and possibilities of development of the three seasonal areas.

Right here will be noted a basic fault of the policy. Had the distribution even of parts to complete sets been limited to that part least in extent, there might always have been plenty of the parts greater in extent to fit the holdings of all having the lesser part.

The inevitable result of the situation as it existed, however, was that there soon came a time under settlement when more winter feeding quarters had been taken than there was summer feeding grounds to balance.

Then the inevitable struggle of those with their all tied up in the incomplete parts greatest in extent began for the part least in extent, and remember here that those who had up to this time settled complete sets had in the investment values of the part they owned the values underlying the whole. Those in such a position knew their investments depended upon continued ability to operate the number of stock by which those investments had been guided to begin with. They knew that ability was guided by summer grazing ability and that any loss of summer grazing ability meant a proportionate decrease in the investment value as a whole.

What did they find to be the situation? Under the law or lack of law they found they had no protection in that part to their operating plants upon which the values in the plant as a whole absolutely depended and upon the basis of which the entire settlement program had been based. Not only that, they found their Government giving large areas of that key part under new grants to other groups, other agencies. True, the new agencies could not use them for the only thing for which nature fitted them—stock raising—because they were receiving but parts to an incomplete operation. They also found their Government setting aside large areas containing the summer grazing grounds and spring and fall grazing grounds under withdrawals contemplating uses other than those to which those parts had already been put. They also found new land laws, which enabled almost any comer to secure legal rights in those same parts.

What happened is just what always happens under similar circumstances. Here were a great group of settlers with their life's work resulting from the hardest of pioneering efforts tied up in properties lacking completeness as operating bases and therefore at the mercy of those controlling the parts necessary to completion.

Under such a situation it is inevitable that he who has the heaviest interest in a thing lacking completeness has also the most to lose through lack of availability of that last part without which completeness is lacking.

This heaviest interest has always been held directly by the settlers and their successors, and indirectly by all that part of the business structure which built upon that settlement.

The situation forced the uneconomic step of a reexploitation of values already exploited. It also created a situation under which the established settlers had continually to buy back the missing parts as others were given them or see their owned properties dwindle in value to the vanishing point.

Every cent they had to pay out under this situation inevitably had to be paid at the expense of the investment values as already fixed, simply because through making such new payment that sum was not available at the end of the year to credit to the investment as formerly fixed. Not only was this the start of a situation under which this great group, the backbone of settlement, were definitely on the road from which so far there has been no turning back, of forever increasing their investment in new places at the expense of the original place, but they saw that development of the land policies did not follow the customs that had been seen by the majority to be basically sound and necessary, safeguarding rights in the parts formerly ignored by man-made law, but holding the key to the very property rights in the owned parts. Instead, this development was going off on exactly the opposite course. There is where the outcries against the country's land policies had their birth, and there is where the man-made law definitely got off the track and applied to a resource principles entirely foreign to those the natural conditions on the ground made necessary.

Grants to the railroads, grants for public-school purposes, reservations for Indians, reservations for game preserves, reservations for national forests, for national parks—in fact, almost every step in that direction meant either that the established settler saw some of the seasonal feeding grounds, the values of which were inexorably fixed in the investment values of his owned parts, either withdrawn entirely from his use and applied to new uses or put into the hands of some one who could turn and make him pay through the nose to recover their use.

Every step meant for that settler either lessened ability in the number of stock he could operate to carry his overhead or an increase in the overhead to divide among the same number of stock. Either or both simply meant the milking of values from the place they had taken and their transfer to a new place. The effect largely was simply to depreciate the values which had come into being behind the owned properties, upon which the commercial structure was founded, upon which the local governmental structure was founded, and their placing very often into new hands, which returned those structures little if anything. Specific instances are many in the West, where the economic loss caused by setting to new uses summer ranges, which not only meant the loss of business from operation of an equivalent number of stock, but the loss of the investment values in the ranches, range, improvements, etc., upon which operation of those stock absolutely depended, never was compensated for to any material extent by that new use. None of these grants which followed settlement as above described brought any new lands to the States concerned. Most all of them finally resulted in a change of status of what were at the time and still are nothing but grazing lands, just as they were before the grant. The change did not increase their forage production. They were the same lands and it was the same grass the stock-raising settler was already using, upon which he built his settlement, and the values of which were already in the channels of business, taxation, etc. The result was simply that by depreciating the investment values in what he already owned, he paid for more of the parts he did not own. There was no economic gain, but there was, and ever since this started there has been, the continual economic readjustment which always follows such situations and which, despite all the man-made law that can be manufactured, causes an economic waste, which finally the ultimate consumer of the product concerned must pay in increased prices for that product—the public as a whole.

The process has been continual, because in none of the new steps was it possible for the established settler to finally get ownership to the operating plant as a whole. In fact, the situation has been such as to mean reexploitation of the values concerned over and over again in full.

The situation in which was overlooked the point that summer grazing areas were really the key to the number of complete sets possible, and which instead was granted out that part to prospective settlers furnishing winter quarters, could only bring what has been brought, a condition where we have in owned parts lands capable of furnishing winter quarters out of all proportion to the summer feeding grounds. This situation has resulted in a big group of settlers ripe for exploitation by any agency that could sell to them the means to beat each other to the strategic areas on the unowned seasonal ranges serving to control grazing use of the same. It has likewise made everyone not caught in the economic tangle an eager applicant or supplicant for anything that would give him a right on the unowned seasonal areas, in most instances because, though it was known to be a thing incomplete by itself, it was equally known to be a thing the established settler had to have or lose the results of his life's work. The only thing this situation can properly be likened to is a perfect set-up for blackmail and all the bad result which usually accompanies that practice.

Under this new angle areas controlling watering places on the seasonal areas unowned became the keys to continuance in the business. The various land grants had caused a situation from which it became possible to purchase scrip by the use of which public lands could be purchased, a purchase not involving the peculiar qualifications of residence, etc., required by any settlement law applicable. Just as in the original development, the key winter ranches quickly gained a value based on control, under custom, of the unowned ranges going with it to make a complete plant, just so did values quickly attach to lands controlling water, not on the basis of the productive value of those lands per acre or other unit, but upon the basis of what they controlled in ranges surrounding but useless without that water. These lands, in their turn, then became the thing the operator, whether he be old settler or new settler, had to have to keep up his ability to operate that number of stock needed to carry his property investment in the whole operation, stock and land both. The terrific competition which it is but natural should follow this situation of unbalanced holdings in the seasonal groups needed for year-long operation bid up the values of these key areas out of all proportion to their possible operating return value. He who did not get them not only was out of the race so far as continuing to run stock was concerned, but his ranches, etc., also went out of the race. He had to have them or quit, and quitting, as was so little understood and even now is misunderstood, also meant walking off and leaving his privately owned lands to return to the sagebush from whence they had come. In proportion, loss of any part of ability to operate that full number of stock the original investment had been based upon, meant, as well, a return in just that same part of a part of those lands to the sagebush.

There was no way out. Just as when established settlers, seeing custom breaking down in the protection in ranges, endeavored to keep newcomers off their ranges, knowing that encroachment meant everlessening numbers of stock they themselves could operate and a consequent continual increase in overhead on the dwindling numbers, were given the unjustified sobriquet of "range hogs," just so now were they given the added sobriquet of "land hogs." It seems obvious, upon reflection, that whatever these settlers were and what they may have become was guided solely by the circumstances lack of law or mistaken law surrounded them with rather than any personal choice on their part.

Not only in this new move were the same values which already supported the investment values in the industry being exploited again, but, as previously stated, the terrific competition put those values clear above any possible operating-return basis, a situation which was fraught with danger and for which some day an accounting would have to follow, but also a situation which soon began to rock with distress the entire economic structure dependent upon the industry and the values concerned.

Among others, and merely as general examples, the structures underlying State and county taxes commenced being affected, as did the foundation underlying that great branch of the financial structure depending for business upon the land and livestock industry.

Practically all western tax laws base land assessments upon sale-price bases. As has been shown, the values supporting sale-price bases became in our settlement attached to the privately owned winter ranches and through them went fully on to the tax rolls. The second move, the forced buying of lands controlling water on the big ranges, not only put those same values on the tax rolls again but at scales out of all proportion to their operating-return possibilities. The result was and still is that States and counties generally are taxing values all out of proportion to their earning power; that through this reexploitation and overexploitation the land-tax rolls have in them a material extent of values which do not exist. This has generally served to encourage scales of expense of local governments out of proportion to the revenue-producing ability of the values upon which established, and here we have the source of much of our land and tax troubles in the West. A simple and natural law of economics is simply asserting itself.

Where has the credit situation gone? As the capital investment in the settlers operating plant moved into its various places security values followed. It took and takes some time for economic laws to work. The banker too often of recent years has found himself

holding for purposes of security too many different parts to one complete set, all having the same source when it came to operating-return values.

These examples are given merely to show that unsound economics applied to a basic industry manifests itself in all related lines of endeavor and that any principles which do not coincide with the natural necessities right down on the ground will sooner or later work themselves to the surface in the whole economic structure, where they become an economic loss, often many times multiplied, for the public at large to stand.

No business, no business structure, and, finally, no government structure can live very long on values which simply do not exist, and in the effort sooner or later has to compensate to just that extent that the revenue-making values were overexploited.

Then comes the era of Government reservations for various purposes, including withdrawal for specific purpose of large tracts of lands consisting of various parts of the seasonal feeding grounds, the values of which have not only been exploited but reexploited and overexploited.

This is another example of the fact that to the public mind range was range, land was land. With what is often termed an empire of land, what could it injure anyone to set aside even millions of acres for this new purpose or for that new purpose. Surely anyone who might be using it could move to another place and find a world of range.

The trouble was and has been that almost all of these withdrawals have been located on that very one of the seasonal groups which being least in extent has been the key to all—the summer areas in the higher mountains. As was but natural, they were the very areas which encouraged settlement. Areas suited to summer use were, in settlement of the West, not only quickly appropriated by use, the fact is shown that there was not enough to supply those who, under the land laws, built winter quarters. In almost every case where such summer range areas have been set aside for uses which meant their giving up in whole or part for stock raising, there being no other areas available, just in proportion has the livestock population gone down with the business it brought; but worse, the lands settled in the building of that business have in effect been confiscated so far as operating-return values are concerned. In turn, every time one settler thus lost in whole or part his summer range, he became a competitor in the lists of which there were already too many competitors for what summer range was left, adding just that much to an already bad situation.

As stated before, such moves along this line of reservation by the Government as did not mean an end to stock-raising use, reflected itself, in time, in new charges for that use and as already stated, simply resulted in depreciated private investment values. They also put the whole operation in a state of uncertainty as to tenure under which it has staggered ever since. Previously, as has been shown, prevailing local custom gave sufficient certainty as to tenure to at least permit barter and trade to go forward without too great fear. This new development, however, served notice not only to the established settler, but to all with whom he had to deal, that occupancy of those seasonal feeding grounds upon which his whole operation and investment depended was thereafter uncertain. Needless to say this mounted credit risks and with them credit costs, which continue.

Along with this era came the national-forest movement. To make a long story as short as possible, the stockmen in all of the central and north west, at least, saw most of the high mountain summer range areas surrounded by national forest boundary lines. No wonder they viewed this movement with that alarm history makes so evident. Despite promises by officials in charge who, it seems by the very nature of their promises, knowing they could not bind future government in any manner, the established settler saw the summer feeding grounds gradually taken closer and closer into the fist of an agency where we now have an outstanding example of the axiom that the usual difficulty experienced by an administrator is to avoid the feeling of outright ownership.

For the primary purposes of timber and watershed protection the Congress of the United States saw fit to give over into the hands of a single Government official the executive, legislative, and judicial functions of government over key areas to the very values upon which the settlement of most of the West had taken place, those broad powers, apparently without precedent, over the prop that sustained the very commercial and governmental structures of the Western States, and without which those structures were gone. Unwittingly, in principle, that provision of our Constitution which guarantees all of us against being deprived of our properties without a day in court was forgotten.

This agency has now for some 20 years, under two announced purposes, been operating under this broad power given it by Congress. Those two purposes have been to so handle the resources in its charge as to protect the timber and watershed and to promote, in the utilization of the resources included within its withdrawals, the best public welfare.

What has been the result of its long period of administration?

Another example of the truth of the axiom that a thing is seldom settled until it is settled right, almost constant strife between those in charge and those being administered.

With no bitterness or complaint against those whose task it has been to handle the affairs of this agency, we claim that the principles under which it has been handled have operated against the very primary purpose for which Congress created it and endowed it with this previously unheard of authority, as well as against its own announced purposes, among these being the use of the forage resources to fit in with the agricultural development of the surrounding country.

The fundamental theory has been that the part grazing resource surrounded by national forest withdrawals has been held by the agency in charge to constitute a public property which, according to their judgment of the best public welfare, should forever be held available for reallocation to any new purpose they saw fit, and to which charges for use should be limited only by their judgment. To permit of the application of this theory, the Secretary of Agriculture has reserved to himself, quoting from page 1, National Forest Grazing Manual, effective March, 1924:

* * * "the authority to permit, regulate, or prohibit grazing in the national forests."

This manual also, on page 30, states:

"A grazing preference entitles the holder thereof to special consideration over other applicants, but to no consideration as against the Government."

Needless to repeat, this could mean no other thing than that this part to the seasonal feeding grounds upon availability of which depended the whole structure which had been built, was, as a freak of law, definitely separated from the place it had taken. It was handed to a single government official for exercise, as stated, of legislative, judicial, and executive powers, its use thereafter being at sufferance, only, and with such power to tax as to include the power to destroy.

The grazing use that has been permitted under sufferance has been surrounded by a mass of restrictive regulations, based fundamentally again on the theory that the country as a whole would be helped by taking from the established operators the summer range values upon which they had built and redistributing them among newer settlers. Among the principles in the regulations designed to that end are those permitting periodic reductions in the privileges of the older settlers in order to admit newer settlers and to increase the privileges of the newer settler up to a theoretical point where it was to be assumed the number of stock concerned would support his home unit—penalty reductions whenever the holding of an established outfit had, for any purpose, to be closed out and transferred to successors, the surplus in range gained by such penalty reductions going also for purposes of distribution to others.

I might add there that that is not exactly full, as I come to think now; that some of those penalties, I think, were applied for purposes of range protection, but most of the cases with which we are familiar of range protection reductions—I won't say most, either, but many—have been caused by the admission of new settlers to such an extent that the range was then overgrazed and the older settlers had to be reduced.

The picture previously painted of what had become of the values in the forage resource, including that part surrounded by national forest withdrawals, should be adequate to show what the inevitable result was bound to be.

What was bound to happen to the established settlement seems obvious. They key values upon which it had been built were to be distributed to others. Range charges were to be determined by the administrator. Conditions were ripe for one more exploitation of the same old values.

Sometimes under some conditions advancement is made by taking things from an old use and allocating them to a new.

It seems the best way to examine into the question of whether or not the forest grazing principles based on a new use of old values have worked for the best public welfare is to make the following tests: (1) What they did to the established order of things, as represented by the established settler. (2) What they accomplished in the new order of things, as represented by the new settler, and (3) what they did to the resource not only in its relation to the production of business and revenue through the medium of the industry concerned but also from the standpoint of its value as ground or watershed cover. In all the measure of public welfare must be considered.

First we deal with what happened through the principle of reallocation of the resource, the question of what happened from the application of direct grazing charges being dealt with later.

As to No. 1: What those principles did to the established order of things as represented by the established settler:

It seems clear, without repetition of reason why, that the principles applied to this part resource were out of harmony with the natural conditions surrounding a sound economic use of the resource concerned as a whole from the standpoint of keeping the three essential sets of feeding grounds together and surrounded with like conditions; that they were exactly opposite to the custom, developed prior to this law

of rights in the unowned parts by those owning outright the other parts, a custom which must have been very close to right or it could not have stood under majority support for the long period concerned; that it was based upon reserving for all time values underlying ability of the established settler and successors to operate, it having been shown previously that this ability was what the first settlement had been built upon, what barter and trade had gone forward upon, and what in turn the whole economic structure built upon; that it surrounded the very control key of that ability—the summer-grazing grounds which being least in extent of the three parts—rules and rules the number of complete outfits that could be organized; with the dire uncertainty of merely privileges at sufferance; that it used the key already fully used for development of privately owned winter quarters for bringing more winter quarters under development, throwing the whole agricultural situation out of balance; that it created a situation under which the key to the life's efforts of the first settlers was made a temptation for everyone who, in any manner, sound or unsound, could qualify for it. That the effect was just the same as the effect of other steps in the development of the public-land policy under which after exploitation in full in the original settlement, parts to the complete sets containing the resource concerned, were placed in the hands of new agencies which could not use them for the purpose to which limited by nature, but merely forced the established settler to pay for them again through the nose.

Under the principles providing for taking the summer-range value from the established settler and granting them to the new settler, no new values for business or similar purposes were created. The forage concerned was the same forage already fully exploited and fully commercialized in the first settler's settlement. This was merely, therefore, another exploitation. There could have been and is no net gain in such a situation. For every new piece of land dug out of the sage brush by the new settler to furnish winter-feeding quarters in order to qualify for this grant, some other piece of land, some other privately owned property created by an earlier settler had to be displaced from connection with the key to its value. This situation continually aggravated a condition already existing under the previous steps of the public-land policy of creating winter quarters all out of balance with the summer-feeding ability.

Had the established settler been able to get rid of the responsibilities of private ownership in the parts of his winter feeding quarters continually being rendered inoperative by having a proportionate amount of summer range separated from them, the ride to a fall might longer have been postponed. What happened after such separation? He still owned those disconnected parts. His business required an income sufficient to carry the overhead on both connected and disconnected parts owned to pay the taxes at the same old valuations on both, and to pay interest on outstanding obligations on both. As summer ranges were lost numbers of stock which could be operated diminished until very shortly a situation was evident where operating returns per head did not begin to keep pace with the steady mounting item of expense per animal, then despite the fact that the particular settler concerned might still be rated a cattle baron he was just as effectively bankrupt as is the small operator when his expenses per head are greater than his returns per head. This is a point the forest grazing principles seem to have utterly lost sight of. It appears they assumed that so long as a settler still had what they termed an economic unit of cattle, he couldn't help but be prosperous. It isn't and never has been and never will be a mere question of numbers of stock under such conditions, but a question of how many stock must be run to support the plant investment.

It began leading the business structure of the State and the tax structure off the track of sound economics. Only an ever-increasing summer carrying ability could have kept pace with the continued increase thus forced in winter feeding ability. The old complete units remained on the tax rolls and in the business structure at the old values. The new units being created by giving them the summer ranges exploited by the older settlers went into the established order of things on those same values. The fallacy of such a situation is apparent. Nature fixed our summer range limitations. These were the same ranges they had been before the national forest withdrawals were made. It was simply the same old story of reexploitation and with the certainty of a day of reckoning when the State would find once more as the original settlement and customs underlying that settlement had demonstrated that when the summer ranges—these being the key—were once all connected up with the other parts to the set, the resource was exploited in full and when the values in the unowned parts became attached to the properties owned, the values in the resources in its entirety was commercialized in full. The State must now work its way back to this situation, which involves getting the owned winter quarters back into balance with the summer range capacity, which means virtually a return to the sagebrush for all that material acreage of winter quarters created in excess of summer range capacity, which means the business structure and the tax structure contracting itself back to that basis, which all means an utterly useless and needless economic waste, finally, in one way or another to reach the public at large.

As to No. 2: What the principles accomplished under the new order of things. The situation of the new settler.

Reference is made again to the fundamental theory underlying management by the Forest Service of that part of the resources surrounded by their boundary lines; this being to regard that part of the resources as a public property, to be held available in their judgment for reallocation to any new use they see fit; measured presumably by what they conceive to be the best public welfare.

It is obvious one of these new uses was a redistribution of this resource to new settlers. However, still holding it available for other new settlers who might come with the years, and for even other uses foreign to grazing, they necessarily kept the new grantee, together with the older settler, on the same basis of occupancy at sufferance. So all the new settler got, as did the older settler, was a privilege at sufferance. In order to get it he had to secure, under ownership, feeding grounds which, with the grant from the Forest Service, would give him a year-round or complete operating plant. The new settler thus, just as with the old settler, got started off on the unsound and trouble-breeding basis of owning only a part of a complete operating plant, with the parts lacking in the hands of an agency which under its announced policy permitted their use only at sufferance.

Just as truly as with the older settler, this new settler was building on the values in the forage resource, values which did not exist unless he could count on the use of a complete set of the seasonal feeding grounds containing the resource necessary to year-round operation. In the case at hand, the forest ranges, it is evident that wherever his operating meant his sharing in ranges already fully in use, he was building on the same values his predecessor had built upon; values already fully exploited and fully commercialized. The result is obvious in so far as economics are concerned. But what of the future of the new settler after he gets his grant at the expense of his predecessor?

As stated, he finds it is his only under sufferance and subject to extinction at the direction of the agency in control. This, as with the older settler, surrounds his whole operation with uncertainty, both the owned and unowned parts. Items of risk are high, as are all expenses influenced by risk. Not only this, but when it comes to the actual use of his gift he finds that use surrounded by a mass of restrictive regulation. By officials, who may or who may not be experienced in the economics of the situation, the practical conditions surrounding a use of the resource as a whole concern, or the practical needs of the business he is in, he is directly or in effect told what start he can have as to numbers of stock on the summer range; where he can graze them; where and under what conditions he can trail his stock in and out of his range; how fast, if at all, he can increase his numbers; after his start, what the limit of his expansion shall be; when and to what extent he in turn shall be reduced for still other even newer settlers; when he can use the range and with what class of stock; how he shall handle them; salt them, breed them, brand them, bed them, gather them; what improvements he must or might construct at his own expense on Government land to facilitate the handling or improvement of the range used; who owns the improvements after they have been so constructed; what other permittees he shall or may graze with; to what extent he shall share range with them and they with him; whether he has more range than he needs and thus shall forfeit some, or whether he has less and shall therefore cut down his numbers; where he must reside in order to continue his privilege; how much and what kind of improved property he must own and operate in order to continue his privilege or increase it; and where it must be located and how it must be used in connection with the operation of his permitted stock; that he must keep his personal affairs and transactions relating to his business open at all times to the officials in charge; what part of his range might be closed to his use and given over to other purposes such as recreation, game protection, etc.; what other persons he might cooperate with in the management or operation of his outfit and what share others might have in either his owned lands or stock; that he and his employees must respond to fire-fighting calls; that he is liable to reduction in numbers permitted if his employees violate any of the numerous requirements; that he must either have employees the actions of whom in the management of the stock coincide with the ideas of the officials in charge or suffer penalty in loss of range; how much he is to pay for the privileges of grazing, trailing, etc., no limit being in effect; and finally, if he can not make a go of it, after undertaking the development of the owned part of the operation required in order to qualify for the grant or gift, or if he passes on from this world, he is told whether or not he can pass the gift, in which the value of the whole is fixed, on to others, and, if so, who those others must be as to qualifications, etc.

Strange to say, and without attempt at levity, by special provision on page 43 of the Grazing Manual the matter of moral reputation rather than being handled by regulation is left to decision of the courts of the land.

Needless to say, the older settler is equally restricted as above, and by the institution of theoretical limits of numbers of stock, even to greater extent.

It does not seem necessary to point out that under such broad regulatory powers in the hands of an agency of the Government applying to a thing which is the key to everything concerned in the operation as a whole there can be little, if any, discretion in or certainty of operation left, certainly in fundamental necessities in the safety of the investment values at stake.

As to what has happened generally to all that great group of new settlers who have been attracted during the years by the opportunity to share in a thing most keenly in demand mainly because it was already the key to the investment values of all prior settlers, but to share in that thing under such uneconomic and unbusinesslike principles the Forest Service records themselves probably furnish the best answer. Rather than the artificial theories prevailing, whether or not the newcomer stayed depended almost entirely upon whether or not the natural and economic conditions on the ground were suited to operation of smaller units, and whether the smaller operators really were able to get together all those part-year feeding grounds, which, with the gift from the Forest Service, did, in actual effect, constitute a practical and complete operating unit. Bear in mind here that by the time this development of redistribution of this part resource by the Forest Service came about, the older settlers generally and their successors had, by the very nature of things, been forced to acquire more land holdings, at least as measured by dollars invested, than the numbers of stock they could operate, with their key ranges constantly being encroached upon, ever could justify.

Generally, the rule as to how much and what kind of property the new settler should own per unit of stock he was permitted to graze at the expense of reduction on the old settler was based upon the average holdings of those established and the existing custom of the locality. To a material extent, as stated, this was above the amounts justified on a per head basis, and when used simply started the newcomer off on the same basis of overloaded overhead investment which surrounded the established operator under developments up to that time. Naturally, this helped bring to a fairly quick end the operations of many new settlers. What these factors did not handle, the very same old land policy covering homesteads which got the old settler off the track, did. Say the new settler got a full 160 acres of cultivatable land under his homestead grant. With every acre improved, this meant quite generally in our State a production possibility of a ton of hay for winter feed to the acre. Taking the specific case of the Humboldt National Forest in Nevada, where the forest grazing rule requires for all new grantees purchasers of old outfits included, ownership of land furnishing at least one ton of hay for every permitted cow, this would mean that this new settler's limit in permitted numbers, as limited by his hay production, was about 160 cattle, a ton of hay to the acre, being the basis, and this is about the average for the State.

On that forest, by rule, it was long ago decided that a settler could not maintain his home unit with less than 250 cattle. The fact is we all know that under our conditions the farmer with the crop possible from operation of 250 stock cattle on the ranges has mighty little chance of coming close to supporting a home unit. But there is the settler with a 160 head limit.

Many and many of our settlers never got a full 160 acres. Particularly within our national forests many settlers have been, in effect, induced by prevailing land policies to try it on much smaller areas. On this same national forest in the classification of lands carried on some years ago in order to facilitate entry of alleged agricultural lands, a rule was followed that areas as small as 40 acres would be considered and announced to the world as home units. Such settlers could expand to a permit limit of 40 cattle.

Bear in mind that, at least in theory, they had to have 250 head of cattle to make a living. We know as practical stockmen that with the great number of cattle that must be owned under crop conditions it is not possible to establish a home and maintain it on the return from the operation of 250 head.

The result is obvious. The limitations quite generally have the new settler beaten before he starts. But what lured him on was a gift; a gift of a thing apparently of great value because it was so in demand. The reason for this demand was also obvious.

Without the limitations, on the other hand, the whole thing would have become an out and out socialistic distribution and the results quite clearly would have been those which it seems certain would follow principles involving periodic distribution of all wealth.

As the force of economic and natural circumstances began to pinch, the natural development was that the fellow who in the start had most at stake because he owned the heaviest part of the incomplete operating unit, the old settler, at whose expense the newer settler got into the game, in another spasmodic attempt to get back the key to his operating plant, usually became the purchaser of the bankrupt new settler, provided the restrictions in effect permitted this. If it didn't, then the new settler saw his number of possible customers limited by the very system which had led him into the game. Obviously only those operators with some size could, generally speaking, purchase failing outfits. However, this practice grew less and less, simply because the whole system, as the older settler soon found, provided that after his buy, as before, he was subject to reduction again and again for the never-ending crop of those willing to experiment as new settlers.

Now, with a bit of added impetus because of the general period of stress, when the newcomer falters and looks for a chance to get at least something for the time and effort he and his family have put in trying to make the grade, he finds mighty few buyers simply because experience under the system has shown to the world that the new settler, just as with the older, has nothing but a permit at sufferance in that thing which gives value to what he owns, and in the final analysis, nothing to sell because protection to the buyer in any right to the values for sale is lacking. Many new settlers who are still surviving this combination of circumstances are doing it at the expense of privation for themselves and families. Their only other choice is to walk off with no returns for their time and energy.

In discussions of this problem, those stock-raising settlers who happen to hold national forest grazing preferences have been dubbed, particularly in the Rachford range appraisal report, as "the favored few." The fact is that the whole study seems to make it questionable if, in the whole situation developed, there are any favored few. If so, they must be those who, coming late in the game, saw the impossible situation in which those owning parts to their operating plants were, and succeeded in getting into the game owning no such parts and with none of their investment in anything except the liquid asset of livestock, which, of course, has hardly been possible on the national forests, but has on other areas related to the public domain.

If any group holding national forest grazing preference have been favored, it must be those who, over the years, have been admitted by being given the key values which the prior settlers built upon. The facts of the matter seem to demonstrate, however, that even that group have simply been led into a trap and finally find themselves almost as unfortunate as the prior settlers who are still struggling to find a way out with something.

If we compare the situation of the older settlers whose key summer ranges were so situated that forest withdrawals did not surround them, with those whose key summer ranges were so surrounded, we find that mighty few, even as bad as their situation is, want to see their ranges included within forest withdrawals under existing grazing administration principles; while, with no law protecting them in the continued occupancy on their summer ranges, much of which is public domain, there is also no law permitting some agency to take those ranges from them to hand over to others and at least nothing to prevent that group from doing their utmost—in open battle—to prevent encroachment on their key ranges.

Naturally, there will always be a goodly number of people looking for and anxious to get that rather chimerical thing, something for nothing. The forest grazing principles have led many and are still leading many to think they provide for this elusive gift. It is but natural, under such a situation, that a large group will come into being, anxious to get at the key to the values in the established settlers' holdings, if for no other reason, to make him pay to get them back, and that this group will continually complain at anything which stops or delays the game. This situation is just exactly what is usually behind new legislation along homestead lines. It is just how the 640-acre stock-raising homestead is working out in our own territory, and we constantly hear the rising voices of those who find themselves even temporarily denied full access to their "raw meat."

Before going further I would like to read into the record a copy of a petition addressed to the United States Biological Survey at Reno, Nev., received about August 25. This petition is signed by 79 of what we might call the small settlers, the newer settlers, who are trying to get along—at least a goodly share of them are—situated in the very vicinity of the Humboldt National Forest in northern Elko County. I submit this as something to show what happened to the fellow who got his nose in the trap of the theory that he could get something for nothing. It reads:

"UNITED STATES BIOLOGICAL SURVEY,

"450 Gazette Building, Reno, Nev.:

"We are advised that it is your intention to place poison baits for coyotes through the northern part of Elko County.

"The depression of the last few years has made trappers out of many of us who depend upon the sale of coyote furs for a part of our livelihood, and we feel that at this time it would be as unjust to destroy this part of our income with poison as it would be to destroy our timber with fire.

"Therefore, we, the undersigned, do respectfully request that no poison be placed for coyotes in our section of Elko County by Government or State employees."

Those fellows, as I picture them, gentlemen, can not appreciate that there is any humor in that situation at all. They have been led into a situation where they can not make a living on their homesteads—just as the Madeline settlers told us up here at Susanville at a stockmen's meeting not long ago, when they were considering the raising of funds to poison the coyotes—that "any time you eliminate the coyote from that section you take our winter groceries, because they have given us the only source from which we can get them."

Senator ODDIE. At this point, Mr. Metcalf, I will ask you to tell the committee your experience with a disease, rabies, which has been prevalent among the coyotes in this and other States for some years, and the effect of that disease.

Mr. METCALF. Briefly, I can simply say that it has caused a heavy property loss in all classes of livestock, and that it has caused several deaths of human beings. I think the record shows that over 200 persons that were bitten by rabid coyotes in Nevada during the period of the outbreak took the Pasteur treatment here at Reno. Do you want me to go into greater detail than that?

Senator ODDIE. Has livestock suffered any as a result of this disease among the coyotes?

Mr. METCALF. I can say, from the information that has come to me in reports from the stockmen, that they have suffered materially.

Senator ODDIE. Will livestock that have been bitten by rabid coyotes in turn attack other livestock?

Mr. METCALF. That is said to be true by those who are, I think, competent authorities.

Senator ODDIE. Has any property damage to livestock resulted from rabies?

Mr. METCALF. Certainly; there has been a heavy death loss.

Senator ODDIE. Among cattle, sheep, and horses?

Mr. METCALF. I think the heavy loss has been principally among the cattle.

Senator ODDIE. Has there been a larger loss of cattle and sheep because of the rabies than would ordinarily have occurred from the healthy coyotes?

Mr. METCALF. I think undoubtedly there has been.

Senator ODDIE. Is this campaign against the coyotes in this State caused by the natural and normal damage done by them, or by the damage done as a result of the rabies and of the fear of the result of that disease?

Mr. METCALF. I think it is a combination of the two, Senator. The State appropriates out of its general fund large sums of money every year to assist the Federal Government in the control of the coyotes, clearly on the principle that it is such a heavy damage to property and such a danger to human life when the rabies breaks out; it is clearly to the public advantage to spend the money for that purpose.

Senator ODDIE. Do you know whether the Federal Government has expended any money in this State in the last few years to exterminate the coyotes because of the existence of rabies?

Mr. METCALF. Oh, yes; since 1915, if my memory serves me right, steadily every year.

Senator ODDIE. And the Federal Government does recognize the unusual danger to human life and livestock because of this disease?

Mr. METCALF. Yes. May I volunteer a statement in that connection?

Senator ODDIE. Yes.

Mr. METCALF. The reason underlying the use of poison in the control of the coyote is because all of those who have studied the question closely have determined that over all the years they have sought to control the coyote traps have been too slow; the coyote could breed faster than the trappers could trap them, taking them one at a time. That has led to a situation where it has become necessary to adopt a system of control that is causing large expense to the Government. Poison is being used, by very careful methods developed by experts of the Government, and the result simply is that the coyotes are being destroyed in sufficiently wholesale numbers as to cause this fear that we see on the part of those who have been put into the position where they have to live off of them the fear that if the use of poison is continued that source of revenue to them is going to be lost.

Senator ODDIE. Do you think the signers of this petition fully realize the danger that exists because of this disease of rabies?

Mr. METCALF. I would like to answer that by saying that, trying to put myself in the place of some of those fellows, I would not even stop to think about it when my winter groceries were concerned.

Senator ODDIE. Do you think, then, that conditions brought about by the Government through these forest-reserve regulations has forced the signers of this petition to take that position?

Mr. METCALF. I would not lay this all at the door of the Forest Service. This started with the first application of the first public-land policy in this State, when it began to place settlers in a position where they only gave them one of three things and kept the other two in a situation where they have had them at their mercy. The only part of the Forest Service that we object to is that it has perpetuated that system—we do not even charge that they started it—which away back 50 or 60 or 75 years ago caused a homestead section to be treated as a section without ever coming to find out what resource it was that made the land valuable, and, instead of giving a man the resource upon which the settlement was made, it gave him the winter quarters of that resource and has ever since been giving to everybody else the other two parts of that resource.

As to No. 3: What the principles did to the resource from the angle of business and revenue production and from the angles of its relation to other sources, the watersheds, timber, etc.

From the picture already drawn, it is obvious that the principles mentioned resulted in surrounding the use of the key forest reserve summer ranges with such a state of uncertainty that no settler using them for grazing could look forward to continued occupancy of the range concerned with any reasonable degree of confidence. Under the announced regulations, continuation of that occupancy was absolutely at sufference of the Secretary of Agriculture. The operator could be moved to another range, or moved off his own range in whole or part, for other stock raisers or for other purposes. He never knew with any degree of certainty when he finished one summer season what his lot would be for the next. He didn't know just how the officials who might happen to examine his range would rule as to its condition. If the official who happened to do the job felt it was grazed too heavily, the operator stood to have his permit number reduced for range-protection purposes. On the other hand, if that official who made the inspection happened to feel that, possibly in comparison with other ranges, this particular allotment was in very good shape, then there was a chance that some of it would be handed over to some other settler whose allotment did not appear to be sufficient.

This situation resulted just as would all similar situations to put the user in a quandary as to how he should conduct his operation. Certainly there could be little incentive under such conditions for him to exert himself toward that handling of the range that would result in its decided improvement. If he was in that minor class of users entitled under the various rules to increases in permitted numbers, an improvement in the range-carrying capacity meant only the advantage that, together with all others in that class, he might possibly share in the benefits from that improvement. To all the major class, who, under the limit rules could be given no increase in permitted numbers, it merely meant creating something in which he could not share the benefits, but which would be given to other settlers or to other purposes.

This whole condition brought about a situation under which the person making use of the resource had so little certainty of continued use or of benefit from improvement in the forage crop, the ground and watershed cover, that instead of an incentive toward its improvement there is no secret to the fact that the exact opposite was the case.

It operated, therefore, directly to surround the operator with circumstances under which he was practically estopped from applying to the use of the resource those principles which he knew should be applied both for the benefit of the resource itself and for its future value to whoever was to use it. Right here, in our opinion, is the basic reason why in all the years of forest-grazing management under the principles outlined there has been, generally speaking, so little improvement in the condition of the forage resource, despite the fact that reduction after reduction in numbers of stock that could be grazed have been made for range-protection purposes, as well as the basic reason by the stock-raising permittees have apparently been so slow to put into application the various principles underlying the use of range which have resulted from the expenditure of much time and money by the Government in conducting various experiments to demonstrate the principles that should be applied.

There are many outstanding examples to prove that there are no real reasons why either cattle or sheep can not graze upon feeding grounds without material injury to the ground cover, whether it be herbaceous vegetation, brush, or timber, or whether it be primarily valuable for its grazing value, or its watershed or timber value, provided the circumstances surrounding that grazing use are such that the owner of the stock can really put into effect, in the grazing use, those principles of good range management which he not only knows to be right but has demonstrated that he knows are right, almost since the beginning of the ranching and stock-raising industry in the West.

The point is made here that it now begins to be apparent that the important thing in any intelligent grazing use of feeding grounds is the circumstances surrounding that use rather than who is to use them or with what kind of stock.

If the use is surrounded by circumstances which provide an incentive for the operator to apply intelligent principles, they are applied. If not, they are not applied; and it seems without the bounds of reason, with the known shortcomings of human nature, to expect otherwise.

That the settlers know the principles surrounding an intelligent utilization of forage grasses, and knew them even prior to the various experts, is aptly demonstrated by the management of their grass-hay meadows. They never harvest that crop until it has grown to maturity, knowing that by so doing they get a maximum production of feed and keep the grass roots in a healthy condition for production of future maximum crops. Why is this so? Principally because the settlers own their hay fields and the law protects them in that ownership. Benefits accruing from intelligent management are theirs.

There is a clear cut and unmistakable incentive. Suppose the opposite situation were true, that the operator had to use his hay ranch also under principles of sufferance under those general principles applying to the range. The answer seems obvious.

May I just dwell for a moment on one illustration? Suppose we had to use hay fields as community hay fields. Suppose there were five of us, and each one of us had our mowing machine. Every time it looked like Bill Jones was going to get his mowing machine out I would have to get my mowing machine out. Whether that grass was only 2 inches up above the ground, whether it was only 3 inches up above the ground—I might know just as well as I know anything that Bill Jones should not cut that grass, that the grass ought to be allowed to grow; but what could I do under the circumstances? It is not my choice; it is not Bill Jones's choice. It is not the way the grass is harvested; it is not the question of who is harvesting it. There is the lack of the application of the only principles that can possibly apply to the handling of that hay field as it should be handled.

There are examples in the West where conditions have operated to place in private ownership complete sets, year-round feed grounds; in some instances under conditions exactly paralleling our own, with the summer part in the high mountains valuable not only for grazing but for watershed and timber purposes. Even despite the fact that in these cases the operators own the timber and own the watershed and apparently, without legal liability to others, can injure either or both if they choose to do so, does the injury take place? Can anyone show, or does it stand to reason, that under such conditions the average human with average intelligence would deliberately cause willful damage to those things which he knows underlies the very value of his holdings, which fix absolutely his operating returns, his sale price if he sells? When the Middle West went finally under private ownership, with its millions of acres of pastures privately owned, did the owners turn and denude them? No one seems to be complaining that all those areas are being used with so little intelligence that the ground cover has been depleted and that all that part of the Mississippi River watershed is eroding.

There may be and are examples where privately owned ranges are being injured through grazing done by the owner. Investigation will usually show some good basic reason other than the owner's willful desire to injure his own property, usually that while the part is owned, other parts to the complete set involving year-round operation are not, and that lack of control of the unowned parts are forcing him to rely too greatly on the owned part.

The final answer seems to be that the very fact that in its use this resource has been surrounded, almost since the beginning, with circumstances which never have given the user even a fair chance to apply intelligence to that use, have made that resource the pawn in the game. Under the various public land laws and under the national forest range principles it has simply been a case of a use of a thing being everybody's was nobody's. We all know what usually happens in such cases.

This analysis also seems to point to the fact that all the propaganda which from time immemorial has been aimed at livestock and at the livestock settlers as destroyers of forage and timber cover of the public lands was simply another of that ever-increasing list of similar mistakes where an effect rather than a cause was singled out, with resulting injury all along the line. It was not the livestock, not the "hoof locust," as the sheep has been unjustly called, not the range hogs, as the settlers have unjustly been called; it was simply the lack of application to the use of the resource of the only principles under which the user stood a ghost of a show to use it with consideration for its future value.

The result has been, generally speaking, an ever-decreasing value in the resource itself, the very resource upon which the West was built, the very resource in which lay the key to the investment values, security values, tax values, the resource which also meant watershed values, timber values.

I would like to stop there and point to the fact that various Presidents of the United States have not seemed to be afraid that if they put sheep on the White House lawns the lawns were going to disappear. The lawns did not disappear, but the circumstances under which those sheep could eat the lawns gave the sheep a chance to graze as they wanted to graze. It gave the owner a chance to let the sheep graze as they wanted to graze. They did not have to have another crowd moving in on them every other day. They did not have to beat anybody else to it. They did not have to get the mowing machine out the night before the other fellow got his out. There was a circumstance to show that when the right conditions surround the use of this thing there is no danger of this situation that the Forest Service has continued to fear, which I believe they really do sincerely and conscientiously fear, that if you turn the range over to the stockmen and let them do as they want to, those ranges will disappear in two weeks, and the timber will go, and the watershed will go. The fact of the matter is they have never got down to the cause underlying the whole thing, and they dwell on the effects, which, in my best opinion, they charge up to the wrong place.

In the case of the national forest the issue seems to stand out clearly that the result has been to operate directly against the very primary purposes for which Congress established them, the protection of watersheds and timber.

Another angle: It has been charged, and justly, that the western stock-raising settlers were not exercising in the management of their stock, in many cases, those efficient principles which had been demonstrated successfully in other parts of the country leading to a greater production per unit of operation of a better product, and thus themselves were not doing their part to increase their per unit returns against the increasing per unit operating expenses.

The unfolding of the picture points directly to the fact that an operator, no matter what the line of pursuit, who has no definite form of control over his operating plant, and his whole operating plant must necessarily be the victim of circumstances over which he has no control when it comes to his methods of operation.

Just now, under the circumstances prevailing in the range question, was it to be expected that the operators would be foot-loose to make those changes in operating plans calculated to produce more and better calves per cow. The very principles which kept the ranges upon which he had to operate some material part of the year open to all, definitely fixed also the principle that the only progressive movements which could then be made would be group rather than individual movements. No individual could with safety move faster than the group. The group was no faster than its slowest member. If his methods were in advance, he had to share those advanced methods with every other user. If an individual tried to pull the group up with him, he soon found that inefficient methods of other individuals nullified his efforts and he had no power over those others.

Investigation, we firmly believe, will quickly show that practically every suggestion for improved methods of handling livestock coming from the various governmental, educational, and other agencies, as illustrated above, can not be put into effect in any general manner as long as principles prevail under which the operators who must apply them are surrounded with circumstances in the operation of their business where they have no definite form of control over the parts essential to the complete operating plant.

Further continued investigation seems to point to this very situation as the root of most of the evils surrounding the existing situation as it relates to the range livestock industry. In turn, just as always happens under such circumstances, the fact that one branch of an industry, one cog in the wheel, is off the sound track of economics serves to seriously affect the industry, the wheel as a whole.

Here we dwell just for a moment on what it has caused in uneconomic methods of operation of the livestock itself and what effect the existing situation has had on the conditions surrounding agriculture generally.

Older settlers, finding owned ranch lands on their hands which, under the system in operation, had lost their productive value as formerly by losing connection with the unowned key ranges to fit them usually commenced a struggle to save something from the wreck. In States more favored by nature a great part of these lands necessarily had to go into direct competition with all other lands the owners of which were trying to make a success without range in connection and therefore from another means than livestock. This not only meant a constant addition to that group of lands and a constant addition to production of the crops concerned, but altogether too often it meant that such lands, being primarily suited for the purpose for which originally used, produced under the new use an inferior product.

We all know, as we have repeatedly been told by various Government agencies, agricultural experiment stations, etc., that inferior products going on the market tend to drag down the price for the better products, but what else could happen. Force of circumstances, out of tune with economic and natural laws, was the taskmaster. In specific cases, this very situation has forced many owning ranch lands suited primarily by geographical location and climatic conditions to production of hay to a feeder operation, to attempt to make out of the part of their hay ranches which lost connection with the unowned key ranges, a half-fat beef proposition. When those half-fat beef were thrown on the market, those whose lands were suited to producing really fat beef yelled loud and long against this forcing down of price scales generally. The yell seldom stopped the uneconomic practice. The operator concerned was forced by circumstances outside his control.

These briefly outlined examples merely serve to show some of the specific instances where one branch of the industry off the track forced many harmful influences to other branches. Many causes have been assigned by many experts to the reasons for these harmful influences. Our investigation convinces us that the real cause is the situation surrounding the operating plant as a whole of this branch of the industry and that its elimination depends upon adjusting that situation.

In the whole situation, the conditions surrounding grazing use of the national forest ranges and of the public domain ranges are, in the main, caused by the same mistaken principles.

In both instances the settlers and their successors, holding outright ownership to material parts of the operating plants, are still at the mercy of the management or lack of management of the unowned parts, over which they, the settlers, have no definite form of control.

In both cases use of the unowned parts is under sufferance or passive consent of the Government. In both cases continued occupancy is uncertain. In both cases the values in the unowned parts most naturally and unavoidably are inextricably part and parcel of the values in the owned parts, part and parcel of the business structure, and of the tax structure. In both cases, the unowned parts are, in turn, lacking in completeness when it comes to the operation of the only business for which the resource concerned is suited. In the case of the national forest ranges, the older settlers rights are given to others by the broad regulatory powers created by law. On the public domain the general case is, the settler loses them to whoever wants to come and fight for them without law. But, ever and always, to the older settler, the result is eventually the same, a reduction in numbers of stock that can be operated to a point below the ability of those left to carry the overhead investment concerned. To the newer settler the result, uniformly, is that he, too, is building his home, a part of an industry underlying the entire social and economic structure of the West, on this same most unsound basis. To business generally, the result, uniformly, is a most uncertain foundation. To the resource, not only in its relation to grazing, but in its relation to timber and watershed values, the result is altogether too apparent to need emphasis. To the efficiency of operation the result is the same whether it be the national forest or public domain phase of the problem. The welfare of the country is affected similarly by both situations.

The grazing charge angle: A fundamentally sound principle in all soundly organized commercial enterprises is that there can be no more values to all those things upon which depends the turning out of whatever product is concerned, than the value justified by the operating returns from that product. If the product can not be marketed at a figure sufficiently above its expense, leaving out plant investment, to permit some interest return upon that investment, then any real values behind that plant investment are certainly most doubtful. At any rate, they can hardly be greater than that sum represented by a capitalization at a fair rate of interest of whatever sum is available from operation after all other necessary charges to credit to the plant investment.

Another point in this connection is that once organized with an investment in plant representing all that plant is worth from such an operating return basis, any further investment outlays to enlarge that plant which do not result in increased operating returns do not increase the values underlying the plant investment and this condition soon forces the writing off in inventory values of all such additional outlays.

In the case at hand it has been shown how all the values in both owned and unowned feeding grounds underlying the ability to operate the number of livestock concerned in our settlers' holdings were exploited in that settlement and in the barter and trade which under the prevailing custom went forward in all the years up to that time when, there being no law to fit the situation, custom broke down.

I am not much of a lawyer and I may be wrong in the legal phases of this, but every condition surrounding this situation is exactly similar to any situation which in law is covered by the doctrine of prescriptive right. You see a situation built up here, gentlemen, that can be compared to the situation where you go out on the outskirts of this city and build a factory. As I have shown here, and as you all know, the values in that factory would finally be determined by the operating return of the product. It might be sold and bought and resold. It goes on the tax roll. The banker takes it for security. In future years along comes a man who says, "I own this right of way. You did not buy that right of way." A settlement has grown up all around your factory, and the only way you can get into your factory is over this right of way.

If I understand the law correctly, when that situation arises, when the use of that right of way has gone forward for a sufficient number of years, so that the value in that right of way has gone into the hands of innocent purchasers, when it has gone on the tax roll, when it has gone into business, when it has been spread among all the public, that man can not get those values back. It is a matter of public concern, of public welfare, that the law of prescriptive right shall obtain, and that for the general protection of the majority who are now living on those values, since that man has so long failed to assert his claim, he loses his right. It is simply a case of the protection of the greatest number.

But here again the Government sets up artificial restrictions. They say such rules will not operate against the Government. Well, why does the common law recognize that doctrine? Because we know that to give that man back the values in that right of way you have got to take them back from the places where they have gone. The tax roll has got to give them up. The banker has got to give them up as security. Business has got to give them up. It causes such a readjustment all around that the interest of the public must prevail as against the loss of this individual. Now, here is the Government—it does not matter a bit; it causes just the same trouble to the public as any other similar set of circumstances would, regardless of what man-made law said about it. Man-made law can not rule a situation like that. There are natural laws of economics that you can not get away from, no matter what kind of law you pass.

It has been shown how, under those circumstances, as happens in all similar circumstances, the values underlying that ability became inextricably fixed in the owned parts.

This situation could only mean, as seems clear from the principles outlined just above, that any new expense incurred thereafter covering ability to operate livestock which did not bring increased returns, and such increased returns generally meant ability to increase numbers of stock that could be operated, because that was and is the key to operating returns, could not be supported by a proportionate increase in values underlying the plant, and therefore did not increase the values underlying the value of the operation as a whole. All such new expenses, therefore, represented simply a situation of increased investment outlay not matched by increased values underlying investment and represented, as a result, a total loss.

It seems obvious, therefore, that from that time when the development of the situation had resulted in the settlers having put into the owned parts of the plant, including the livestock, an amount equaling the operating return in the whole, whether owned or not, any other payments for ability to run stock necessarily had to be followed by increased returns to keep the situation on a sound, economic keel.

As has been shown previously, many steps in the land policy of our country have resulted in placing the unowned parts of the settlers' operation in the hands of a variety of agencies. Almost all have meant, as time went on, additional outlays by the settlers to get the use of those parts back, usually on merely a temporary and ever-changing basis. Few, if any, gave the settlers any increased returns. Even in the case of those steps which have meant the securing by the settlers of outright title to additional range areas, consisting, for example, of scattering areas on spring and fall or summer ranges, all this situation simply meant ever building up the area of lands owned, but seldom, if ever, any building up of values underlying the investment simply because, being the same lands or ranges, furnishing the same grass, underlying the ability to operate the same number of stock upon which settlement had been built originally and under which barter and trade had gone forward over the years, no greater number of stock could be operated than under the original situation and, therefore, no increased operating returns were possible. Such a situation inevitably had to mean that as acres owned increased and investment values remained stationary, there were simply more acres to divide into the stationary investment value figure, resulting, as has been and is being demonstrated, in sales of such properties, in an ever-decreasing per acre valuation. It also meant the continual payment out and then wiping off from inventory values of the amounts represented in all these repeated attempts to buy back the key values as under the various land laws they were given to others.

As a timely and to the point illustration of a typical instance of what one of the results of the operation of the 640-acre stock raising law has brought Nevada, in just this connection the following news item was clipped from the Elko (Nev.) Free Press of September 14, 1925. It contains a sermon, both from the viewpoint of the struggles of the settler to buy back again and again the values upon which he originally settled or in barter and trade, secured by paying the original settler, or see them entirely disappear, and finally, from the standpoint of the futility of expecting, even in such reexploitation, the new grantee to come even close to making a home-unit living from such a gift. The clipping reads:

"Hubert C. Goddard made final proof on his stock-raising homestead before the United States commissioner. These 640-acre homesteads are valuable. They readily lease to large sheep owners at $200 a season. This is the same as loaning $2,000 on good security at 10 per cent per annum."

The humor of the situation, as is but to be expected, must appeal principally to all except the settler whose owned holdings were depreciated either through entire loss of the feed values concerned or the necessity of once more buying their use back, with no new offsetting return, and as well finally to all those who, already dependent upon the business making, the tax-making values of the older settler, saw that settler's ability along that line shrink forever to hand $200 a year to another settler who under the very nature of things could not be expected to make a home on what he had been given or turn it to any other use except that it already had and for which it was already paying the public as a whole all the values could possibly justify.

Worse than this even was the situation where, with the land policy operating to ever increase the number of those with winter quarters, but not increasing the amount of summer feeding grounds to match the same, fierce competition grew up among all these settlers striving to the utmost to save their all. This situation inevitably resulted,

as would be the case in any similar combination of circumstances, of bidding up prices for these key parts, much less than enough to supply all those with heavy investments in the other parts, clear beyond any possibility from an operating-return standpoint. No one could stop to compute what the "key" which happened to come on the market was worth from an operating-return standpoint. If it was not secured, then the incomplete parts owned by those concerned were rendered valueless or materially depreciated, as the particular case might be.

Another point: The circumstances existing of one great group, the original settlers or successors, having built their operations on a basis under which they had invested in the owned but incomplete parts a sum representing at least all it was worth to operate all the stock the entire plant, owned and unowned, could operate year round with the laws and lack of law applying, permitted a steady influx of new people casting about for a means of livelihood. Just as did the original cattle settlers, these new people sized up the possibilities. A typical happening was as follows: A man would see that in operating sheep, he could get by, under pressure even under heavy risk, running his sheep the entire year on the so-called public ranges, provided he could find a place suited to summer, another suited to spring and fall, and a third suited to winter. To winter, all he had to do was to go out and crowd in on those already using the great desert stretches.

The spring and fall ranges he found surrounded by a situation under which most of the stock water, the key to ability to operate there, was covered by scattering small privately owned tracts. Still, the areas intervening between the tracts and controlled by the stock water were, under the law, public domain, open to the use of all and much greater in area than the owned parts. Under existing law and as demonstrated by the usual action in the courts, this man saw a chance to also crowd in on these spring and fall areas, at no greater risk than having to pay as damages, when, to operate, he had to put his sheep on the owned lands, only the actual value of the feed his stock might consume while on these owned lands. Bear in mind that it was inevitable under the circumstances that the prices attaching to these scattering lands were based not on their per acre value at all, but on the basis of what they were worth because of the unowned range they controlled. This man saw that in this crowding in on these spring and fall ranges, therefore, the sum total of all damages he might have to pay would not mean much on a per head basis of the stock he could run, especially as against trouble and cost of owning lands.

A place for summer was usually the sticker simply because the whole situation had served to surround summer ranges with a terrific demand. Many of them had been surrounded by national forest boundaries where the rules were such that they did not attract all the newcomers. Many others were in Indian reservations, or the hands of other agencies, where apportionment was largely on the basis of the highest bidder. In any event, this new man saw that the key to the building of a plant by him was primarily a summer range and that he could build a successful venture provided that between buying what little feed the sheep operation can squeeze through the year on, if it has to, for winter purposes to supplement the great winter desert ranges, open to all comers, paying damages for trespass on occasional privately owned tracts on spring and fall ranges, and securing himself a summer range, the sum total did not represent more than the returns from the sheep warranted on an operating return investment basis.

This man was led to this idea of building without owning any land himself most naturally. It was because he readily saw, being in the enviable position of being able to view the past before tackling the future, that under the public land and reservation policies as designed and applied, all those with owned lands were in a most unenviable position, and on the road to a condition where ultimately those lands would have so little value from an operating return standpoint as to be hardly worth owning.

The winter feed item was slight when divided per head. The spring and fall trespass damage was slight when divided per head. This left this man quite a sum which he could invest in summer feeding ground costs.

We all know what inevitably had to happen under such a situation. This man becoming an active competitor for every piece of summer range, the use of which could be hired, and not having already put into other parts, as had most of those against whom he was competing, sums representing not only all it was worth to be able to run stock the year round but more, under the developments forced upon them, being free to put his heavy item into whatever part gave him the best foothold, soon began bidding the key summer areas open to bid clear beyond any possibility of competition by those in the other circumstances. To save their all the others tried to follow him. Some are still trying. We all know the situation is ultimately hopeless. If it is allowed to continue, this new man will inevitably and definitely fix a new standard under which, instead of the big end of the values underlying operation being in the winter quarters, a situation inevitable at some stage of the development from the very working of the homestead policies from their very beginning, the big end of the values would be in the summer ranges, until finally, without something to halt the development, owned lands dependent upon ability to use the unowned seasonal ranges, would cease to have any operating return value simply because after payment of the charges ever mounting up surrounding the continued ability to use the unowned parts necessary to completion of the operation, the operating returns would leave nothing to credit to the privately owned parts, and then, though land still be owned, it would have no operating return value and soon no investment or sale value.

This is the path the present situation has not only put the stock-raising industry upon but the entire business and governmental structure of our State upon. As the values leave the lands of the settlers, which are the bulwark of the State and county tax rolls, and got to those places which, like Indian reservations, national forests, etc., do not appear on the tax rolls, they leave those tax rolls and despite the most strenuous efforts of anyone to maintain the old tax-assessment basis, whether or not the revenue-making values are there, those tax rolls one day must come back again to a basis in keeping with the operating return values in the lands being assessed. The longer postponed the more this readjustment will cost the public at large.

Getting back to the national forest range situation: Every charge, from the beginning made for the use of those ranges which did not furnish in proportion increased returns to those charged above those possible when the values took their definite place in the owned parts, has necessarily meant a proportionate reduction in the values underlying the owned parts. Some have held that in the application of any plan by the Government which tended to secure to those having in the owned parts the values of the whole, the values in the unowned parts would reflect themselves in increased operating returns. This probably is where the idea originated that possibly those concerned could afford to pay the Forest Service for grazing the sum per head necessary to compensate the Government for that.

Concerning these so-called nominal forest grazing fees, there seems to be much misunderstanding. Let's take a typical case of a stock cattle operation in Nevada, under normal conditions, when approximately 100 stock animals must be operated per year to produce about 15 salable animals, say 10 of which will be 3-year-old feeder steers and about 5 cows being salvaged as their breeding usefulness passes. This means that with a per head grazing fee of 75 cents that fee must be paid on 100 animals out of the returns from the 15 animals. With the average feeder steer, under such conditions, weighing 800 pounds and a sale price of 5 cents per pound, which has been about the standard, one can readily see that the grazing charges on all the animals is a heavy load on the crop returns. In fact, in a specific instance, we compute them conservatively at 12½ per cent of the gross crop income from steers and old cows. Those who use private pastures, when they compare their pasturage costs with those obtaining upon national-forest ranges, often forget that there are many things to take into consideration besides the per head charge. Fenced meadow pastures are usually too valuable for use in raising stock cattle because of the large number of mouths to feed compared with the small number of salable animals produced. Upon such pastures it is the usual practice, instead, to graze only those animals that can be made into beef within a comparatively short time. Thus with every animal grazed being in a short time a salable animal with a high value compared with feeder steers, each can naturally stand a comparatively high per head charge, when that same basis of charge applied to a range stock cattle operation could only mean its bankruptcy.

That 12½ per cent summer grazing season charge on the crop return applied to the value of beef animals produced on fenced meadow pastures would mean, on such an animal salable at say $70, a pasture charge for the few months concerned of almost $9.

Also, it must be borne in mind that the stock-raising settler paying to the Forest Service this 12½ per cent of his crop return, paid for those same values when he built his settlement, and in paying it, must necessarily do so at the expense of the investment values in his owned parts to the complete operation.

Some may argue that such small crop returns from so many animals indicates inefficient handling. As has been stated, or as in this analysis this is admitted, the very reason for this inefficiency will be shown to be the very foundation of all existing range and land legislation laws, principles, and policies which almost from the start have failed to give the settler such a set of circumstances surrounding the use of his operating plant as a whole to permit him to apply those very principles which, if they could be applied, would quickly serve to remedy such a misshapen situation.

The CHAIRMAN. The luncheon hour having arrived, the committee will recess until 1.40.

(Whereupon, at 12 o'clock m., a recess was taken until 1.40 o'clock p. m.)

AFTER RECESS

The committee reconvened at 1.40 o'clock p. m. Monday, September 21, 1925, pursuant to the taking of recess.

The CHAIRMAN. The committee will come to order. Mr. Metcalf, will you continue with your statement?

STATEMENT OF MR. VERNON METCALF—RESUMED

Mr. METCALF. Mr. Chairman, in fairness to any other interest that may be here, who do not think that the situation they represent is covered in this statement, I would like in some way or other to be limited in time so that I may not be stepping on their toes.

The CHAIRMAN. How much time do you think you need, Mr. Metcalf?

Mr. METCALF. I think I can finish this statement in 30 minutes, if that is not going to encroach on anyone's time. If it is, I will let the details go and get to the summary.

The CHAIRMAN. You may proceed, Mr. Metcalf.

Mr. METCALF. Now, in the Rachford report, that 300 per cent increase over the original forest-grazing fees is proposed to be doubled and in some sections more than doubled.

That report has for its foundation the principle that the part of the resource surrounded by national forest withdrawals should be covered by a charge representing what forage is worth. It has for its foundation also the principle that forage is worth what is being paid for it in the open market as demonstrated by a fair period of years, to avoid extreme conditions. Since the part of the resource in the forests, in all the central and northwest, is generally only summer range, the report is based on what is being paid for privately owned summer range.

It seems obvious from the actual facts as presented herewith that such a basis, no matter how far those in charge may appear to be going to be fair, is utterly unsound as to its very starting point, and we all know the utter impossibility of drawing sound conclusions from an unsound premise.

The effect of such a principle, if ever applied, can only mean that forever after prices for the use of all public ranges must be gauged by the effects of the competitive situation, just illustrated by the explanation of what is happening through the changing standards being wrought by the newcomer who, building upon a new basis, moves the values underlying the operation of a whole out of the settlers' privately owned winter feeding quarters onto the feeding grounds, either publicly owned or in the hands of agencies other than either Government or settler.

It can mean eventually nothing else than that under the changing standard the settlers' privately owned holdings will be "milked" of all operating return values and therefore of all investment, sale, tax, or security, or business-making values, those values going to new places of most doubtful value for any of the purposes just mentioned.

Pausing a moment, the question arises of just what the values in either a single part or all parts to the resource were good for in the beginning, or are good for at present. They were and are of value for business and revenue-making purposes only, and only to that extent the industry which had to be relied upon to manufacture them into business and revenue could, under the natural and economic circumstances, so manufacture them. What more could be or can be expected from the resource concerned, or any of its parts, than that the values in it get fully into business and tax structures.

There can be no use of trying to exploit the values to a greater extent than they exist. Such a procedure inevitably means an accounting, and all the economic loss of such accountings must finally pass on to the public as a whole.

What better use of the values in such a resource could be made than their devotion to settling the great unsettled stretches of the West. If the values in such a resource as a whole were to be kept by the Government, to be sold to the users under a direct at-the-source charge merely to enrich directly the Federal Treasury, surely they would not be available for the building of the economic structures of the States concerned. This matter was settled when it became the Government policy to settle the West by grant of its lands to prospective settlers. Here again, we point out, that those lands were valuable and still are valuable only in the part they bear to the furnishing of this resource which, under all existing conditions, must be used in complete sets of seasonal feeding grounds for year-round operation, or not at all.

If a subsidy ever was concerned it was when the natural resources at hand related to land settlement were originally set aside for the building of settlement. The situation existing is simply that the settler never got in the beginning, and never has had since, the values in the resource upon which he built that settlement, but instead a situation where he has been trapped by being led into settlement with but an incomplete operating base, forever at the mercy of whoever happened to have or be given the other parts without which the incomplete part he had could not survive.

The settlers, those who pioneered this country, have been accused by many interests, probably sincerely, but clearly unjustly, with seeking sympathy, with seeking a subsidy, with seeking to get something from the public manger without cost. I submit to any fair-minded individual or group of individuals the question of whether this is so when the facts are brought to light.

In the hearings of your committee on this matter, statements have been made by Federal officials that proof that stock-raising settlers holding preferences on national forests are using values they have never paid for is supplied by pointing to the fact that instances are known where in buying stock, including transfer of this grazing preference, sums per head in addition to going prices for such stock have been paid as bonuses for the grazing preference.

It is evident, it seems from the analysis presented, that if such a thing is done, under our conditions where the values in the range concerned were exploited in the building of the owned parts to settlement, and are still fixed in the owned parts, it necessarily has to be done out of the investment values in those owned parts.

It is believed that such situations are seldom involved in such cases, and that what really happens is something as follows:

The whole misshapen situation results in furnishing a condition where certain circumstances really permit certain individuals to pay a bonus to get a summer range and still be able to operate to advantage, just as has been shown previously in this analysis. Say a winter-quarter holding, developed under the original conditions existing, has, through the operation of the erroneous principles outlined, lost its connection with a summer range, resulting in its depreciation in operating return value and therefore investment or sale value, naturally it would be possible to take such a winter unit with a spring and fall unit, if a summer unit could be found, and put it back on an operating basis provided in the complete set plus the stock, an investment was not required in excess of the ability of the operating returns of the stock to justify. Under the conditions forced, as stated by the erroneous principles, the outlay for winter and spring and fall quarters being comparatively small, a good heavy part of the investment could easily be used to acquire a summer range.

Another example: The same situation would be possible in all those cases where established settlers having parts of their winter and spring and fall quarters rendered almost valueless by losing the summer key ranges, and as a result being forced eventually to wipe those values out of their inventory values, could turn and build those lost parts back into a complete unit on just the same procedure as outlined above. In doing so, however, the major part of the investment would be on the summer range, and again we have just the same old unsound principle of a complete operation trying to get by owning but parts, and not only that but with their very investment tied up to major extent in the unowned part rather than, as usual, in the owned part. It is the same old play—something like the numerous plays based on the eternal triangle—with just a bit of change in the characters and scenery but with the same inevitable ending, doing no one or no thing any good but doing everybody and everything harm.

The settler has known all along what the true situation was and is. He has been faced with one of the most impossible situations ever conceived of, to have his all at the mercy of a thing which had been forgotten so far as man-made law is concerned. Having never been recognized by law, except to be continually given first to this agency or individual, then to another, and finally with large areas put in the hands of agencies by laws which did not even give the settler a chance for a day in court. Had there been a way to court, the settlers might at least have had opportunity to develop before some impartial tribunal the true facts and have had relief ere this. On the forest-reserve range phase, as has been shown, the legislative, judicial, and executive power was all in the hands of the administering agency, Such hearings as were or could be held were heard by that agency. Without resentment, we all know that at least at times the situation has had the effect that argument along lines not relevant, as judged by the sole power, was ruled out.

For the first time now since settlement of the West began the situation in its entirety is being investigated by a branch of that agency which typifies our Government, the Congress of our United States. If, and contrary to some opinion, we believe such to be the case, right will finally prevail, we have no fear of what is to come.

Summarizing the above analysis of what has become of the values in this resource as a whole, our facts seem obviously to show that the only thing lacking concerning those values is, as it seems obvious should have been done in the first place, to legalize them in the place they so long ago took in the general scheme of things.

All the values concerned have not only been paid for in full, they have been reexploited not once but more than once. They are represented already too many times in existing investment values, which means eventually a shrinking, regardless of what is done in this present matter. They have been commercialized, and not only that but more important, because finally the public will have to foot this bill, overcommercialized. They have not only gone on the tax rolls of State and county but, more important, have gone on those rolls too many times, another item which will finally be a matter of public accounting.

The resource concerned is absolutely not capable of division among different agencies if it is to be used under anything even approaching

sound practice or its natural needs on the ground. Its separate parts are of value only when available as one. One of the parts, obviously, is suited only to private ownership, this being the great area of winter feeding quarters. Surely the Government would not want to take over ownership and operation of that part, but if it does, many ranchers are ready to negotiate. There can be no safety in private ownership in but a part, either for operator, business, taxes, or anything else. Finally, the only safe measure of a charge for the use of anything underlying a basic industry is that measure based upon operating returns from the business concerned. Any other basis would simply mean recurrent readjustments in a basic industry. And last of all, no power we know of on earth has ever yet been able to fix an operating return value to a part of an operation in such a situation as exists when each part has the ability to absolutely render every other part absolutely valueless.

Still, if despite this situation, it is the wish of our Government to attempt to fix a charge at the source for the use of their part, it certainly would not be to the public welfare to fix it on a basis which merely meant a reexploitation of values already not only fully exploited but reexploited, values already paid for, not once but many times, values already commercialized, not once but many times. Certainly no one would want to argue that the country as a whole—and here is the final test of the public welfare—would gain in any move merely resulting in an uprooting of such values from the place they have already fully taken in the business and tax structures merely to put them in a new place (presumably as added receipts to the Federal Treasury) with no net gain to the country as a whole, but instead the economic loss which always follows the severe readjustments which such a change would force upon the industry and the whole country, which finally could not help but be reflected in increased costs of production, then higher prices for the product, and finally, as usually is the case in such matters, leaving the ultimate consumer of meat, of leather, of wool—the public as a whole—to foot the bill.

Therefore, a law seeking the public welfare should at least prevent any basis of charges for any public range which serves to merely reexploit values. Whether or not it would be wise even for such future building as may take place where complete sets can be carved out involving values not now in use, for the Government to attempt to charge for its part and thus keep the values as a whole from surrounding the owned parts and thus getting directly and safely into the business and tax structures of the sourrounding territory rather than merely serving to enrich the Government Treasury and forever be separated from the other parts to the enterprise and the economic structures dependent for their very foundation upon just such values, will still remain most questionable, even if removed as a direct source of trouble for the established situation.

Certain it seems, using the very similar resource of water for irrigation, that the best public welfare would be served by letting the values in all parts center in the owned part and thus go safely and soundly into business, behind taxes, etc.

In connection with forest-reserve grazing fees there is also the much misunderstood angle caused by that development in national-forest legislation, under which a certain percentage of the receipts for various forest users are returned to the States and counties in the forest receiving them are located.

It seems to stand out clearly in the foregoing analysis that these have been merely part of the whole reexploitation program. The political subdivision concerned could not gain permanently from such a move, in so far as related to values in resources which had already gone into the business and tax structures of such sections. The effect was and could not have been other than to depreciate operating return values in exact proportion to such charges at the source, and therefore depreciating business-producing and tax-paying values. In the case of resources such as timber the States and counties did gain by sharing thus in the receipts, simply because the values in that resource had not become attached to the values in owned properties. There is the difference between the timber resource and this grazing resource. They say they are the same. The situation is not the same. In the case of a resource such as that of the summer forage, however, they can gain through such a step only as they lose in the values underlying their business and tax structures, as well as to lose through all that uneconomic situation which the application of such a policy involves in tearing down investment values in private property.

Here the question most naturally arises of what to do. Any solution, as usual, must deal with the cause for the existing difficulty. Here we are back to where we started, the resource upon which the whole situation is and has been resting and, if it is to continue, must rest, and the application to that resource of those principles which, coinciding with its natural needs as ruled by the conditions on the ground and its economic needs as ruled by the best measures of returns to the public at large, will result in its allocation to the use to which it is best suited, and in its use under those principles which promise best to give the greatest returns in revenue, business, taxes, etc., and at the same time safeguard its value for the future as well as protect other values which may be concerned.

Our suggestions are, of necessity, based upon the facts which our investigations have brought to light. Whether or not they are sound or should be followed, we must expect to be measured eventually by whether or not the facts can be maintained. We make them feeling that given fair opportunity to debate the question with doubters we can maintain them.

The first point is the matter of whether or not the allocation of the resource concerned to the stock-raising and ranching settlement of the country is right. So far as our own State is concerned, at least, we feel sure on that point, as gauged by the measure, as always, of the best interests of the public welfare as a whole.

That point conceded, the next question is once more the natural condition surrounding a practical use of the resource. The condition that originally existed still exists; it is a resource made up of three distinct, interdependent seasonal feeding grounds; any part being lacking renders the other inoperative. Again, the number of complete sets which can be grouped together, being limited by that part least in extent—the summer feeding ability—this really is the key to the others. Obviously, based on these natural conditions, any successful use for stock raising must be based upon keeping parts together in complete sets.

Good economics rather forces the principle that safety for the basic industry concerned and in turn the whole business and tax structure dependent upon it, depends upon surrounding each of the parts with a uniform policy as to its legal status. It does not do for any business to build on a basis where it must own outright one or a number of parts but not the part or parts finally completing the set. This puts use of the owned parts at the mercy of the unowned. Not only that, but it also puts any sound, economic use of the unowned parts equally at the mercy of the owned.

One of two things must obviously be done. Either legislation relieving those owning the owned parts of that burden or legislation serving to give those with the owned parts such a definite form of control over the unowned that there will be no chance of any reasonable turn of events surrounding the unowned parts as to confiscate or materially reduce the values of the owned parts. Either would surround all parts to the complete set with a uniform status. Under the first, with the Government owning all parts, the operator would and could have no property interest in any part of the set. To operate livestock his only necessary investment would be in a liquid asset. As a liquid asset it would have liquid values. The settler would build only upon liquid values and so would the economic structure. To the extent of those values, everything would be sound under such a plan, both from the viewpoint of natural conditions on the ground and good economics.

The matter of occupancy could be met by providing terms of occupancy under lease, etc., sufficiently long to permit a reasonable turnover in the slower of the two branches of the industry, the cattle business. By having leases renewable at option of holder, the situation could be safeguarded against inefficiency in production by constant influx of inexperienced operators.

Here a basic point might be mentioned in so far as the public welfare is concerned from a business standpoint. The public welfare is not necessarily concerned over the identity of the specific individuals who are in this basic industry, but it is concerned over the maximum production of business and revenue and taxes from the public resource concerned. Those factors necessarily are guided by surrounding the use of the resource with proper principles, one of which is to reasonably guarantee that those in the business know their business and can be depended upon, within limitations of human shortcomings, to furnish the utmost returns from the resource to the country at large.

Under the method being discussed, a fair test as to whether or not business would be sound would seem to be to see how such a business would stand when it sought credit, which is an outstanding essential of this particular business. Under this method no money would be represented in investment values in anything from which it could not be recovered to a reasonable extent and with reasonable speed; in other words, the whole investment would be in the liquid asset of livestock, a market for which exists on a world-wide basis. That is a sound basis for credit, and, in fact, the only sound basis.

Under the second method, legislation giving the owner of a part or parts, a definite form of control over the other parts necessary to complete units. This plan, also, would stand the test of principles underlying credit facilities, because if the credit agency had to take the plant, it would have a complete plant either to operate or sell.

Needless to say, the existing situation surrounding the operating plant, practically eliminates all owned lands mixed up with it from even consideration as a credit risk by even our own governmental agencies designed for the direct purpose of loaning settlers on land values. All that seems necessary to prove this fact is to quote from the regulations of the Federal joint-stock land banks, which read as follows:

"Any stock farm or ranch which contains all the units necessary for the production of feed throughout the whole year for the usual number of cattle or stock maintained, and with ample and available stock-water supply, is satisfactory for a land-bank loan."

There is a sermon.

"This ruling might cover one cultivated farm and a range as a unit, or a summer range with a companion winter range, when the two are so favorably associated as to have a history and a known carrying capacity."

That ruling is sound from the principal of credit. But sound as it is, it sounded a mighty sad message to the settlers and their successors whose holdings it declared "outside the law," and to all those political subdivisions where the holdings of those settlers over the long years had come to be the foundation of the business and tax structures.

As to the practicability of the two methods. The first, involving the taking back by the Government of all those parts to complete sets, appears offhand to be impractical. There are many settlers who would prefer it to any other step. In all those sections of the West, however, where the complete sets involves operation for winter quarters of a hay ranch, the complications which would follow any attempt at Government ownership of the same, their apportionment and operation seem to preclude the possibility of such a step. In other words, Uncle Sam would have to go into the cattle business.

There appears, then, only the second method left—the placing in the hands of the operators such a definite form of control in the unowned parts as to permit safety of ownership in the owned parts.

The wisdom of this step, as other proposed steps, should stand or fall on the same tests previously used, its effect on the established order of things, measured, as before, by those directly and indirectly concerned, including the established settler, the newer but still unestablished settler, the future settler, the resource concerned and the related resources concerned, and finally the public welfare.

Such a step, even though belated, would apply to the established settler the natural and economic principles which it seems clear should have been applied in the beginning. No change could be retroactive in character and must therefore take things as found, going forward from there. The harm that has been done the respective groups of settlers as they have, in turn, been the new and unestablished settler and then the established settler, must be as water over the dam. However, it would, in so far as conditions exist, prevent any more such harm and thus provide a sound situation for the future excepting that "hang over" from the present situation which, as with all similar mistakes, must be paid for in full. For the established settler, such a move, therefore, would clearly be advantageous. Many could not be saved by it at this late date. However, all those who, wiping off their inventory and investment values all those properties which inevitably under the stress of the principles which have been applied have, through losing the key ranges, become depreciated, could still struggle through would have the help and the encouragement of a known haven ahead.

As to the newer but unestablished settler: Similarly, with the situation surrounding the older and established settler, the future of this group would depend upon whether, after having their status legally fixed on the unowned ranges they have acquired use of, the number of stock they could operate could carry the investment in owned properties and return them a profit sufficient to maintain their units, or to build those units to a size in keeping with the investment in the owned parts and the needs of maintenance of their homes. Similarly, with the established settlers whose operations are too far gone to be saved by this late change, those in this group who could not make the grade would at least, up to the point of the values in the complete unit to which they have been built, have something to sell, which in the final analysis none of them now have.

It is true that the application of the principle suggested would bring an abrupt end to the old principle of building up the newer but unestablished settler at the expense of the older established settler. It is equally true, however, that all settlers would be left free under their own initiative, energy, and efficiency to build up their outfits in open competition by barter and trade and, most important, that under this method whenever they did gain headway that they, too, would be protected in this definite form of control over the unit as a whole, without which, in the final analysis, none of the settlers, new or old, can ever have any real security.

As to the settler for the future:

Just as in the case of similar resources, such as water for irrigation, where complete units were still available or, through lack of use, became available, to that extent the new settler would still be free to come. Whether he came would depend largely upon whether the conditions favored his success, a healthy situation for both settler and industry and public welfare. When he came the values exploited necessarily in his development would be safely in his hands. If he succeeded, the reward of those values would be his. If he faltered, he would have at least something to sell, up to the values he had created.

If, instead of trying to develop a new concern, he preferred to purchase an established concern, he would be safeguarded and protected in the values underlying that purchase. He is not now.

Concerning the newer settler, there is an added point of extreme importance. It is this: When the resource upon which settlement depends in the building of any undeveloped section of country is all in use, then the next orderly and sound step is the process of subdivision of the larger units always found under pioneering conditions, when large capital only can stand the risk of the trials involved. In States such as our own when the key part to the resource, the summer ranges, were fully in use, that is when added settlement should have come through orderly subdivision of the larger holdings rather than through a reexploitation of the values upon which the first settlers built. The conditions which have existed, strange to say, in all these years have generally tended just the other way, more and more consolidation of small units into large. The reasons are obvious in the picture painted further back in this statement.

Just what incentive has there been or could there be for subdivision under the existing conditions, when the principles being applied were constantly milking out the values underlying the larger units faster than any of the struggling efforts of the operators could put them back? Subdivision, based on history, almost exclusively follows rising values, not declining values. Therefore we claim and maintain that these very same erroneous principles have, together with all the other injuries, successfully blocked the very path in which the development of a productive population pointed.

On the other hand, the application of the principle suggested will just as surely, in our opinion, lead us back and soon put us on the path upon which we should have been long ago. It will, as soon as the impetus of the ills existing can be worn off, bring stability and then legitimate profits to the operation, at least in so far as are concerned all those costs directly chargeable to the erroneous principles which have been applied. Those rising values under large group management, always subject to the evils of supervision, spread over too much territory, will, just as the economic history of our entire country proves, bring offers for divisions of the large holdings in excess of the operating return values as gauged by large management. The pioneer or his legitimate successor will cash in, as he was and is entitled to cash in, if the incentive which served to bring the pioneer was ever anything but a myth, and go on, and in his place will come a number of families on an independent basis, through the closer supervision permitted under smaller units, adding to the operating returns in sufficient measure to justify fully the added values resulting from the transaction. A real increase in the basic values underlying the operation, the industry, the commercial, and tax structures will have been brought about, paid for, and commercialized, and on the only basis upon which any of the factors mentioned ever can be safe.

Instead of this orderly progress ever based on actual increased productive values, we find under existing conditions the established settler, the pioneer or his successor, faltering and dropping on every hand. We find a long procession headed in the same direction. Do we find the holdings being subdivided? We do not; they either go back to the sagebrush from whence they came, or so close to that state as to be a liability rather than an asset for anybody. Together with the larger and pioneer outfits we see the middle size and the smaller and newer but unestablished settler dropping by the wayside also.

As to the resource concerned: The volume of evidence in the Government's own hands as to the serious depreciation in the carrying capacity of the great ranges in the public-land States as measured in terms of livestock should be sufficient to justify a change in principle. Directly traceable to this cause are a number of effects rapidly forcing an entire change in the whole fabric of the range stock-raising industry, changes which mean more and more money poured out into maintaining feeding ability, but backed by no new values simply because instead of furnishing ability to run more stock they seldom even furnish ability to maintain existing numbers.

It seems obvious without dwelling on this phase longer that a correction of abuse of the resource itself and in turn the watershed and timber values concerned simply awaits that step which will surround the operation of livestock upon the areas concerned with that certainty of occupancy which will provide an incentive for and permit application of ordinary intelligence in use of the same.

Here, it may be pointed out, that in order to give the definite form of control suggested, it does not follow that the related resources need be or are put at the mercy or into the hands of the operator of livestock. The settlers realize the importance of the watersheds just as much as anyone else. It is from the watersheds the water comes which irrigates their hay ranches for growing during the summer the hay for feed during the winter. These winter quarters are essential. Their value from either an operating or sale standpoint is absolutely ruled by the continued ability to irrigate and therefore in turn absolutely locked up with the good condition of the watersheds. Stock

that do not overgraze the forage crop mighty seldom injure tree growth, and the examples demonstrating this are numerous.

However, to make doubly sure the public's interests in watershed and in timber, and even more important as we are sure the final result will work out, so that any short-sighted stock raiser—and this is no apology, since every line of endeavor has its percentage of such individuals—will suffer directly for his own shortcomings and not bring discredit on those of the group who are not to blame, there is no reason why the law should not, and many reasons why it should, provide that willful damage to the forage resource itself or to any related resources shall be paid for as determined by the tribunal the Constitution provides for—the courts of the land.

Here the Forest Service can perform a real service, as the police agency representing the public interest in the resources concerned. It properly could and it seems clearly should have the power to prosecute in the courts such cases in behalf of not only the public at large, but all that group of stock raisers concerned who, by being in the same general group with the offender stand, through the willful action of one of the group, the unjustified risk of discredit to themselves and the industry they represent.

Compared with the present order, it seems that such a plan would, rather than put the forage resource or related resources in greater jeopardy of injury, greatly increase their safety. So far as applying a penalty to those who injure it, nothing would be lost as against the present situation, under which penalties are applied only after the damage is done. The new plan would, it is true, also be based on that principle of acting after injury. However, the principles applied by it, as stated previously would clearly, except in the very minimum of cases, so operate that no damage would be likely, but instead constant improvement. To reach such a desirable situation, all that would be given up as against the existing situation, would be an end to that broad regulatory power permitting the administrator the functions of the courts in fixing and applying penalties, which necessarily must be ended if there is to be applied those new principles which seems so obviously to the general benefit.

As to effect on the established order of things from the standpoint of existing homestead policies, land-grant policies, reservation policies, etc.:

Since those of the land laws seeking to place in outright private ownership areas valuable for no other purpose than grazing would, in principle, be directly opposed to the suggestion which involves giving the operators a definite form of control only in the forage resource, obviously not in line with any plan of private ownership which necessarily would involve also timber values, watershed values, etc., the successful operation of the principle suggested would necessarily mean an end to such homestead laws—this being the 640-acre stock raising homestead law. It does not seem necessary, however, at least under Nevada conditions, to interfere in the slightest with any homestead law which has as its basis the passing to ownership of lands primarily suited to cultivation. The taking of such areas would hardly be possible unless conditions existed under which a living could be made within the area actually owned, in which case no one would want to stop such development, or where unused ranges were available which, with the homestead, would mean a new complete operating plant, the creation of which no one would want to prevent.

It is equally obvious that since the suggestion is based on the idea of attaching the values in the forage crop on the unowned parts to the owned parts, any step which, as with the stock-raising homestead act, sought to make a reapportionment of those values as already taken, exploited, and commercialized, would be in exact opposition to the purpose sought by the principle. This involves the various kinds of withdrawals made for numerous public purposes, such as national parks, game preserves, etc., and it would seem the law could safely and properly place at least such limitations around such withdrawals as to insure at least full consideration of existing conditions before any such withdrawals estopping the established use and changing to a new use could be made effective.

The effect of the steps proposed on the established order of things from a public-welfare standpoint would, it seems, be advantageous all along the line, because the suggestion would serve to safeguard the values underlying the entire business structure, bring a maximum of revenue and business from the resource concerned, improve that resource and allied resources, and keep the economic situation on an even keel, preventing reexploitation of values already fully exploited and providing a basis for orderly progress of the basic industry concerned, even down to the desirable point of subdivision based on actually increased productive values. It would also, it seems clear, serve to reduce costs of production and eliminate economic wastes finally, as always, reflecting themselves in increased prices for the product to the consuming public, which means everybody.

Now comes the matter of a definite plan to bring this suggestion of a definite form of control tying in the values in the unowned parts with those in the owned parts.

It is our opinion that the exact details of such a plan should be decided upon only after full opportunity has been had by the committee or committees of Congress concerned to go into the problem most exhaustively. We consequently feel that we should confine our suggestions to a statement of those principles which we feel, if observed, will, under almost any plan finally decided upon, bring the results we so sincerely believe are right and sound.

In this connection we respectfully submit the following. There I would like to stop to explain that these platforms on the forest reserves and the public-domain ranges were taken up in the executive committee and with other representatives of the stockmen here Saturday and were discussed and approved.

NATIONAL FOREST RANGES

That, for the best public welfare, as measured by the welfare of those directly concerned, including the established settler, the more recent settler and the settler to come, the resource consisting of the range forage crop, the related resources consisting of timber, watersheds, etc., we most sincerely recommend:

1. That by law there be a recognition, definition, and protection of rights to grazing upon national forest ranges upon an area basis.

Now, bear in mind that last point—area basis. This is an exact copy of the first principle in the platform that was adopted at Salt Lake City by all the western range States. It had that area basis. Do not misunderstand that. It does not necessarily mean that they would attempt to take over common ground and give him an individual allotment on those ranges which, under Forest Service principles have become community ranges, but it simply means in this case that where a group of cowmen by the natural conditions of the ground had to use the range in common at least now that the right would attach to the group; that where the individual as an individual has absolutely individual allotment the rights would attach to him for that area. Now, as long as we are on the basis where all you have a right to is to run a certain number of stock, we can never bring about the principles that will work out for the improvement of the area. We have to get just as close as we can to a situation where, if I wanted a feeding ground for my stock and it was privately owned I could deal just the same. In other words, we want it fixed under the same principles that private business would go forward with.

Suppose I wanted to lease a pasture out in this valley. It would not be important to me to know that the fellow who owns all the valley would make me sure of a lease to take care of so many stock. What would interest me would be where the area was, what was on it, how valuable the area was, and when I got that area, if I was subject to be moved off of it any minute to some other area I could not give it the intelligent action that I know it ought to have, because I would have to get everything in sight while I was there, and hurry and get it, because I might be moved off of it any minute. That is what we mean by area basis. We want to be the operators, and to apply to this area the intelligent handling that the stockman has proved he knew long before many experts had been set up to tell him these things, as was demonstrated in my statement, by the way the stockman takes care of his grazing in the meadow hay field.

2. That such rights shall be based upon established priority and preference at the time of the enactment of such law.

3. That such rights be definite and transferable, without penalty, with provision for egress and ingress from and to ranges.

It was said to me the other night on the street that that did not seem to be very plain. But I will point out that that means the driveways for stock and trails that are necessary to get your ranges together. We know in this State that whenever the sheepman has to get his summer range, his spring and fall, and his winter range together, in some cases it requires a round trip in a year of 600 miles. His summer range is way up here; his winter range is way down in the desert. Obviously if you give him rights in the three sets without a way to get from one to the other you will still have him tied up. He has got to have the right of way, some assurance of that, as well as the rights in the area.

4. That such rights shall be subject to provisions rendering operators thereunder answerable for willful damage done by them to any of the resources concerned.

5. That such rights be subject to those restrictions which will insure their beneficial use from the standpoint of general business welfare.

By that I mean the public has the right to expect a maximum business return from the use of that grazing. The law should be such that nobody could sit and hold it without using it. They should either use it beneficially for the business structure, or have their rights canceled.

6. That no charge basis shall be effective in such law which results in depreciating investment values in the privately owned properties of the holders dependent upon such rights and that the States concerned shall share first and to major extent in any receipts from the application of any such charge.

Now, I think you all get the point there. If the resource has already been paid for, if it is in the man's property, if it is on the tax roll, if it is in business, what can anyone gain from applying another charge to the use of that grazing? It must come out of the place from which it is already taken, and it can not do anybody any

good. Now, if they can find any situation where the stockman has not paid, where it is not reflected in those values, at least confine their charges to those situations.

7. It is the consensus of opinion that the Rachford report is based upon unsound economic principles and therefor should not be adopted.

Now, as to the public-domain ranges.

New legislation directed at situations not previously covered by law are fraught with danger, particularly when existing legislation dealing with similar matters is not in accord with the natural or economic needs of the situation. It seems certain that extension to the public domain of the Forest Service grazing principles would but serve to make matters worse. It is therefore our firm belief and recommendation that no effort toward legislation affecting the public domain ranges should be taken until that legislation surrounding the national forest ranges has been satisfactorily adjusted. At such a time the matter of merely by legislation extending principles already demonstrated as sound will not involve such danger to the interests directly concerned and the public at large as always surrounds new legislation.

There is a sermon right there. What has been done in the matter of regulation of a part of this resource has been so far off the track in our judgment that even though we know that the public ranges need treatment we are so fearful with having any tinkering applied out there that we want them to finish the tinkering and the legislation with the piece that is already caught in the trap before they step out to apply anything in any other place. Now, if we can get established those principles that we know are sound, then all we have to ask Congress to do with the rest of the land is to extend principles already in effect. We know that it is not as dangerous to put in a bill in Congress merely that they will extend it or they will not extend it as it is to put in original legislation, for even though they let one of us write the bill none of us knows what it is going to look like when it comes out.

However, we do urge that in any consideration which might be given by Congress to any angle of this problem affecting that part of the grazing resource situated upon the remaining public lands they bear in mind, that any sound or practical use of that resource for business and revenue-making purpose is necessarily surrounded by its continued availability for the purposes for which it was exploited in the building of the settlement concerned and by those by whom it was thus exploited, and that any step seeking to make thereof a new use necessarily means its loss from the place it had formerly taken in the general scheme of things, with the always resultant economic upset and readjustment finally at public expense.

To protect this situation, any existing laws based on a mere exploitation of that resource be repealed before further injury is caused and that no further laws based on that principle be enacted. And we have particular reference there to the 640-acre stock raising act.

In considering the various forms of withdrawal for various purposes involving this resource, and before the values concerned are separated from the place they already may have taken in the general scheme of things, the fullest consideration be given to the point of whether or not the fullest measure of public benefit will be attained by such separation and the economic readjustment inevitably caused.

In any step involving application of law to the grazing use of the resource values concerned on the public domain ranges, which may in the course of events be taken, the following fundamentally necessary principles be made its basis:

1. Definiteness of control in the operator of the complete operating unit concerned.

2. No charge basis which serves to depreciate investment values in any owned parts to such complete operating units.

3. A basis of allocation or apportionment of priority and use.

We also urge, as it seems should clearly have been done in the first place prior to any step surrounding the exploitation of such a resource, an immediate study involving investigation as to what place in the general scheme of things the resource is best suited, as well as what the place it might have taken already and to the best interests of the country as a whole.

Now, we have just one or two little suggestions beyond that to achieve the principles in this thing. That we might get some action by Congress which would be aimed at setting aside the application of all those principles that are causing the harm. That is what our stockmen, so many, mean when they say, "Let us alone. Give us a chance." Take the barbs out of them and then provide for the conduct of a study not of land but of that complete resource, regardless of what its status is now and who has it, to the end that those principles might be worked out based upon a study of the resources as a whole, considering its natural conditions and the needs of the business, so that the only business that can use it will best serve the public interest.

I thank you.

Senator ODDIE. Mr. Chairman, in my opinion no more exhaustive and able statement has ever been made regarding the public-land problems and the livestock industry which go hand in hand, and I believe that what is contained in this statement should be known by the people of the country generally, and when Congress convenes I intend to place this statement in the CONGRESSIONAL RECORD in order that the people of the whole United States will be able to read it.

The CHAIRMAN. Mr. Metcalf, have you been engaged as an official in the Forestry Service?

Mr. METCALF. Yes.

The CHAIRMAN. In what branches of the service were you engaged?

Mr. METCALF. What do you mean by branches? What line of work?

The CHAIRMAN. What line of work; yes.

Mr. METCALF. In all lines from the clerical position through the administrative branches up to assistant district forester of this district.

The CHAIRMAN. Did you ever serve as a ranger?

Mr. METCALF. Yes.

The CHAIRMAN. How long were you in the Forest Service?

Mr. METCALF. I think about 13 years.

The CHAIRMAN. How long have you studied the question of grazing on the forest reserves?

Mr. METCALF. Ever since I went into the Forest Service.

The CHAIRMAN. Are your conclusions as set forth in your statement drawn from your personal contact with the people involved in the public-land States?

Mr. METCALF. They are.

The CHAIRMAN. Have you any further questions, Senator ODDIE?

Senator ODDIE. No.

The CHAIRMAN. That will be all. Thank you, Mr. Metcalf.

BRIDGE AT LEE FERRY, IN ARIZONA

Mr. ASHURST. Mr. President, I inquire of the Senator in charge of the conference report on the deficiency appropriation bill when we may expect a vote on the conference report? It seems to me that further to delay action on the conference report on the deficiency appropriation bill is unwarranted. The delay of the adoption of the report is costing the Government, as I am reliably advised, $250,000 a day. Some Senators are predicating their opposition to the conference report upon an item therein proposing to appropriate $100,000 to pay one-half of the cost of a bridge across the Colorado River at Lee Ferry, when by such delay they are costing the Government more than the cost of the bridge.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. I yield.

Mr. CURTIS. The Senator in charge of the conference report [Mr. WARREN] is out of the city on account of illness in his family. He hopes to return to-day. If he does return to-day, the report will probably be called up for consideration. If he does not return to-day, he hopes to get back to-morrow and call up the report then. I know the Senator from Arizona would not urge its consideration in the absence of the chairman of the Committee on Appropriations.

Mr. ASHURST. I was unable to take an active part in the proceedings of the Senate on Thursday, Friday, and Saturday of last week owing to an attack of influenza. I am scarcely strong enough physically to participate in the debate to-day, but I want the conference report adopted at the earliest possible moment. There are several millions of dollars involved in the conference report which are, of course, not available until the conference report shall be adopted. There are ex-service men now suffering through the willful and inexcusable delay in the adoption of this conference report.

The Indians of Arizona have never been exploited, and, on the contrary, within the past 13 years over $11,000,000 has been appropriated for the support and civilization of this particular tribe of Indians; and anyone who asserts that the State of Arizona directly or indirectly, by this item or any other item, is attempting to exploit the Indians of Arizona is stating something concerning which he knows nothing. I have telegrams advising me that the Indians do not oppose this bridge. Other Senators, of course, may have telegrams advising that the Indians do not want it; but it is unjustifiable and unwarranted to hold up the deficiency appropriation bill on account of one item.

Mr. PITTMAN. Mr. President, I am delighted to hear the Senator from Arizona make this statement. I wish the statement had been made the other day at the time the conference report was first called up for consideration. Had it been made at that time, the conference report would probably have been agreed to on that day. As a matter of fact, there were very few Senators here who knew anything about the item

Mr. ASHURST. I have just stated to the Senate that I have been afflicted with la grippe, and I am scarcely able now to take part in debate.

Mr. PITTMAN. I realize that the Senator has been ill. I understand; but the Senate was not advised in regard to the item to

which the Senator refers. It is an appropriation to carry out existing law. The existing law came about through the introduction of a bridge bill enacted into law in 1925. That law itself requires that the Navajo Indians shall reimburse one half the cost of the bridge. If we are going to have any appropriation at all, it has to be made in accordance with existing law. If we attempt to change the existing law, it will be subject to a point of order in the House, and the point of order would be made because there are a great many Members of the House who do not desire to have the bridge built and who have opposed the proposition all the way through.

In 1925 both of the Senators from Arizona, as well as the Representative in Congress from Arizona, stated that the Indians were amply able to pay their half of the cost of the bridge; in other words, one-half of $200,000. Both of them urged the passage of the bridge bill with the condition in it that the Indians should reimburse the Government for the $100,000 to be advanced by the Government in behalf of the Indians. There was no question then as to whether it was good or bad policy. As a matter of fact, every Senator in this body who has been here any length of time knows that it is the fixed policy of our Government and has been for many years to require the Indians to reimburse the Government in case of benefit to them, the same as having white settlers reimburse the Government for money advanced in their interest. When I first came to the Senate I fought that policy. I desired reclamation projects placed on Indian reservations as a bonus, so to speak, to the Indians, but never since I have been here has any such policy ever been pursued.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. ASHURST. Another branch of the Congress voted on the conference report on the deficiency bill on February 25 last, the yeas on the adoption of the report being 235 and the nays 30. Now, not claiming to prophecy, but I ask you to mark how accurately I horoscope the situation when I say there will not be a deficiency appropriation bill unless and until that item is agreed to. All of this opposition to the item and fustian concerning the same—I will not say is disgusting—but it ought to cease.

The appropriation for this item was authorized by a law of the Sixty-eighth Congress.

Mr. PITTMAN. I am going to finish in a moment. The only reason why I mention the matter is because there seems to be such a great desire to adopt the conference report. It carries an item which will benefit the disabled soldiers in my State and in Arizona, but we can not expect to adopt the conference report in a hurry if Senators are fighting the conference report on the ground of an item which heretofore they have supported. The Senator from Arizona is exactly right. The House is carrying out a request of the Department of the Interior and a recommendation of the Budget Bureau. It is making an appropriation of $100,000 to carry out a law that has already been enacted. The law already enacted requires reimbursement. The House by an overwhelming vote have sustained the item after a separate debate. There is no reason why they should yield on it, and they will not yield on it. Those who are now delaying the adoption of the conference report are doing it without any just cause.

The report submitted by the junior Senator from Arizona [Mr. CAMERON] was made on the original bill providing for the appropriation for this bridge. That original bill expressly provided for reimbursement. Let me read the original act, approved February 26, 1925:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $100,000, to be expended under the direction of the Secretary of the Interior, for the construction of a bridge and approaches thereto across the Colorado River at a site about 6 miles below Lee Ferry, Ariz., to be available until expended, and to be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Indians of the Navajo Indian Reservation, to remain a charge and lien upon the funds of such Indians until paid: *Provided*, That no part of the appropriations herein authorized shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona satisfactory guaranties of the payment by said State of one-half of the cost of said bridge, and that the proper authorities of said State assume full responsibility for and will at all times maintain and repair said bridge and approaches thereto.

That is the present law. In presenting his report with reference to that bill, the junior Senator from Arizona [Mr. CAMERON] said:

Your committee is informed by the Bureau of Indian Affairs that the Navajo Indians of Arizona and New Mexico consider themselves to be one tribe residing on one reservation and have asked that no distinction be made with respect to Indians who reside in different administrative divisions. The committee is of the opinion that there is no practical means of enforcing a lien against the lands of the Navajo Indians and that a lien upon their funds is ample security for the reimbursement of this appropriation. Oil in paying quantities has been discovered on the Navajo Reservation, and it is known that large deposits of coal also exist, in addition to which there is considerable merchantable timber.

The bill was referred to the Secretary of the Interior for report, and its enactment is recommended in the following letter.

The junior Senator from Arizona [Mr. CAMERON] brought in the report. In that report he sets out the letter of the Secretary of the Interior, which states that this is for the benefit equally of the Indians and of the white settlers, and that under the policy of the Government the Indians should be required to reimburse one-half of the expenditure. The Department of the Interior and the Commissioner of Indian Affairs state that these Indians are amply able to pay their share. As a matter of fact, the junior Senator from Arizona knows well enough that the 30,000 Indians on the Navajo Reservation are richer per capita than is anybody in Arizona. Those 30,000 Indians own an estate there which is more valuable per capita than all the remainder of Arizona to the citizens of that State.

Now, what does all this mean? After the junior Senator from Arizona has urged the passage of the bill with the reimbursable feature in it, after he has advocated it on the floor of the Senate and caused Congress to pass it practically unanimously, after the President has signed it, after the House has acted on the appropriation thus authorized, why does the Senator get up here on the floor, at the last minute, and oppose the adoption of the conference report on the appropriation bill?

Oh, yes, he says, "We need to have the bridge built, but I do not want the Indians to pay anything." The Senator has had experience enough to know that we are not going to change the policy of this Government with regard to the Navajo Indians merely to satisfy him. He knows well enough that if he defeats this provision in the appropriation bill he will be simply delaying the development of the Navajo Indian Reservation and of the State of Arizona, and that it is a futile thing to do; that he is promising something by voting against that which he formerly stood for, under the pretense that he is going to get them something for nothing, when he, as a Senator in this body, knows that he never can get it. That is all I have to say until I get ready to discuss the question.

Mr. CAMERON obtained the floor.

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. CAMERON. I yield.

Mr. CURTIS. I do not wish to cut off debate, but the conference report which Senators have been discussing is not before the Senate. When the conference report shall be brought up, every Senator will have ample opportunity to discuss it. I do hope that there may be no further discussion of it in the morning hour. I do not want to demand the regular order to cut off any Senator from speaking, but I hope the Senator from Arizona will realize the situation.

Mr. CAMERON. I should like briefly to make a few remarks, and then I reserve my right to continue the discussion on some other occasion when the matter shall be regularly before the Senate.

Mr. CURTIS. As I understand, the matter may now only be discussed by unanimous consent, but, of course, if other Senators do not object, I shall not do so.

Mr. WILLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. CAMERON. I yield.

Mr. WILLIS. I simply wish to state to the Senator from Arizona that we are now in the morning hour; we have the calendar before us. Will he not be willing to allow this matter to go over until some other time, in order that we may consider the bills on the calendar? If the conference report is to be now discussed, meritorious measures, to which there is no objection, will simply go by default. I beg the Senator to make his remarks at some other time.

Mr. CAMERON. Mr. President, I shall be very pleased to let this matter go over for future discussion, but I wish to say to the Senate that I desire to make some remarks at the present

time because I feel that my colleague, the senior Senator from Arizona [Mr. ASHURST], has made some statements here on the floor this morning which are not very complimentary to me, as has also the Senator from Nevada [Mr. PITTMAN]. Consequently I should like to go into this matter in detail.

I admit that at the last session of Congress I reported the bill referred to, which afterwards became the present law; but I have reported many a bill from the Indian Affairs Committee of the Senate which has come from the other House and also from the Committee on Military Affairs and from other committees. At the time I reported the bill now in controversy it was supposed that the Department of the Interior and the Commissioner of Indian Affairs had recommended the bill to Congress with the full authority and consent of the Indians who were interested in the bridge, and that the Indians were willing that this appropriation should be made reimbursable from their tribal funds, but, Mr. President, such are not the facts. These Indians did not give their assent; the department approved it without their sanction, as the records of this debate will show. I can not now understand, and I do not think I ever shall understand, why the Navajo Indians would be so interested as some would attempt to make us believe in a bridge across the Colorado River 6 miles below Lee Ferry. As I have previously stated, and I now repeat, the bridge only connects on one side of the Colorado River with the Navajo Indian Reservation and on the north side with the public domain of the Government of the United States. As I have said, and now repeat, the Indians do not use that section of the country and have not done so for many years, as the senior Senator from Arizona knows. At one time when the Indians were allowed to go hunting up in the Buckskin Mountains, on the north side of the river, a few of them went out that way and hunted in the wintertime; but that region has been set aside as a game preserve for many years, and no one is now allowed to hunt there.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Arizona yield to me for a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I yield.

Mr. ROBINSON of Arkansas. When the junior Senator from Arizona reported the bill authorizing the construction of this bridge, one-half of the funds reimbursable out of the Navajo Indian funds, did he know that condition existed?

Mr. CAMERON. I certainly did, and I——

Mr. ROBINSON of Arkansas. Then, why did the Senator urge the passage of the bill with that provision in it?

Mr. CAMERON. I do not think there was any urging about the passage of the bill. The bill was passed as many other bills are passed.

Mr. ROBINSON of Arkansas. But the point is that the Senator from Arizona reported the bill to the Senate with an argument in the written report for its passage, one-half of the amount to be reimbursable out of the Navajo Indian funds. Why did the Senator do that if he thought it was a measure oppressive toward the Indians?

Mr. CAMERON. I will say to the senior Senator from Arkansas that when that bill was passed or was recommended for passage by the Senate Committee on Indian Affairs there was a letter attached to it from the Secretary of the Interior, which has been read here about three times. I did not know then but what it was all right with the Navajo Indians, but I wish to say now that the Navajo Indians are protesting against paying one-half of the appropriation for the construction of these bridges. Consequently I think I am right in the position which I am now taking. Those Indians are citizens of the United States and I think it is my duty to try to protect them as far as I am able to do so, and I shall continue to do so in spite of what the Senator from Arkansas may think or what the Senator from Nevada may think or what the senior Senator from Arizona may think. I am doing what I think is right, and I shall continue to do so.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

The VICE PRFSIDENT. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. CAMERON. I will yield.

Mr. ROBINSON of Arkansas. The Senator has just stated in answer to my question that he knew when he reported this bill to the Senate authorizing an appropriation, one-half to be reimbursed out of the Navajo Indian funds, that it was an oppressive and unjust measure. He now says that he did it because the Interior Department reported favorably on it. I call the attention of the Senator from Arizona [Mr. CAMERON] and of the Senate to the fact that on February 18, 1925, the Senator from Arizona [Mr. CAMERON] asked the Senate to proceed to the consideration of the bill authorizing the construction of this bridge, one-half reimbursable out of the Navajo Indian fund——

Mr. CAMERON. Mr. President——

Mr. ROBINSON of Arkansas. Without any explanation to the Senate——

Mr. CAMERON. I just yielded for a question.

Mr. ROBINSON of Arkansas. He came in here, and without telling his colleagues in the Senate that he knew it was an unjust and oppressive measure, he actually secured the passage of that bill after having reported it and urging that it be passed with the provision that the amount should be reimbursable one-half out of the Navajo Indian funds. Without one word of discussion or explanation it was passed unanimously at his request. Now, let the Senator from Arizona [Mr. CAMERON] tell the Senate, if he chooses to do so, why he urged the passage of a measure that he then thought was unjust and oppressive to the Indians.

Mr. CAMERON. Mr. President, I will say to the Senate that I did not urge the measure. I brought it in here from the committee and my name was attached to the report as being from the Committee on Indian Affairs, reporting the bill favorably. I say to Senators that until this appropriation came up in the deficiency bill this year the Indians had never had a chance to protest. But when the bill came up——

Mr. ROBINSON of Arkansas. Will the Senator yield?

Mr. CAMERON. I will not yield further.

Mr. ROBINSON of Arkansas. Will the Senator yield for a question?

The VICE PRESIDENT. The Senator declines to yield.

Mr. ROBINSON of Arkansas. The Senator declines to yield?

Mr. CAMERON. I will yield for a question, but I do not want a speech made while I am talking.

Mr. ROBINSON of Arkansas. I am not going to make a speech. The Senator says that the Indians had not had a chance to protest, but at that time he knew the measure was oppressive and unjust to them. Why did he himself not protest?

Mr. CAMERON. I did not have a chance to protest. The first time I had a chance to protest was on the floor of the Senate, and I protested then and gave my reasons, and I am here to-day protesting, and I am going to keep on protesting. Of course, the Senate can outvote my protest; that is their privilege; but, on the other hand, when any Senator stands on this floor and says I have been promised something by the Indians or anyone else, he is telling something that is not so. I was never promised anything by the Indians or by anybody else in the United States since I have been in the Senate, and I do not expect any promises. I am here to do my duty as a Senator, to represent the people of Arizona as best I know how, and when the senior Senator from Arizona says that I do not know what I am talking about, he is saying something that is not so.

Mr. PITTMAN. Mr. President——

Mr. CAMERON. I have the floor.

Mr. PITTMAN. Will the Senator yield to me to correct a statement he has made?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I will yield for a question; yes.

Mr. PITTMAN. I assume that the Senator is referring to the Senator from Nevada when he says that somebody stated he was being promised something by the Indians?

Mr. CAMERON. I would have what I say apply to anybody who made such a statement.

Mr. PITTMAN. I did not say that.

Mr. CAMERON. The Senator said I was promised something.

Mr. PITTMAN. No; the Senator is wrong; he is rather too sensitive on that subject.

Mr. CAMERON. The RECORD will show for itself.

Mr. PITTMAN. No; I was merely talking about what the junior Senator from Arizona was promising to the Indians.

Mr. CAMERON. I want to say to the Senator, since he has brought up the question, that I have not promised anything.

Mr. PITTMAN. I know you have not.

Mr. CAMERON. Why should I? The Indians do not vote. I am not looking for any advantage to come from that source, as, perhaps, gentlemen on the other side seem to be. I doubt if 10 of the Navajo Indians vote; and I never received a vote from one of them, and I do not think I ever will, because I do not think they will register to vote, although they have the privilege of voting under the law.

Mr. PITTMAN. That is probably true.

Mr. CAMERON. But I do not like these insinuations. It is not fair. I have been trying to be fair ever since I have been here, and I am going to continue to be fair. I do not think any

Senator should accuse me of promising anything or of being promised anything. I do not think that is just and right, and I protest against it.

Mr. PITTMAN. Does the Senator think this would be of any benefit to the Navajo Indians at all?

Mr. CAMERON. To what does the Senator refer?

Mr. PITTMAN. I refer to the proposed bridge.

Mr. CAMERON. I know it will not be.

Mr. PITTMAN. Let me ask the Senator if he still believes what he said in his report?

Mr. CAMERON. I did not make that report. The report was made by the Senate Committee on Indian Affairs, and was made at the recommendation of the Secretary of the Interior, who had control of the Commissioner of Indian Affairs. If they send up material for a report from a committee to the United States Senate, and they do not know what they are doing or why they are doing it, am I responsible for their action, or are you?

Mr. PITTMAN. No.

Mr. CAMERON. That is the case here. I think the gentlemen on the other side are trying to make a political issue out of this question. I wish to say to the Senate of the United States, however, that, so far as I am concerned, they may do so, but I am not here talking from a political standpoint; I am talking for right and justice in behalf of a poor tribe of Indians who are being imposed upon. I have said before, and I now repeat, that, so far as I am concerned, if this item goes into the deficiency bill I have done my part. The senior Senator from Arizona has been here all during the week while this controversy has been up, and I am at a loss to know why he should have such a change of mind this morning and insinuate that I do not know what I am talking about, when there is no man in this country who knows the conditions in that section of the country as affecting the Navajo Indians better than I do.

Mr. PITTMAN. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Nevada?

Mr. CAMERON. I yield.

Mr. PITTMAN. On page 5 of the Senator's favorable report on this bridge he expressly quotes the language of Mr. J. R. Eakin, superintendent of the Grand Canyon National Park. He was not Secretary of the Interior, and his statement was something entirely outside the letter of the Secretary of the Interior. This is what the Senator quoted:

The construction——

Mr. CAMERON. I thought the Senator desired to ask a question. I only have a few minutes; I do not want to take up the time of the Senate, because this is Calendar Monday, but I will give the Senator all the time he wants on some other occasion to debate this question.

I want to state now, before taking my seat——

Mr. PITTMAN. Is the Senator afraid to answer this question or not? If he is, I will stop.

Mr. CAMERON. I will answer it. I will answer any question any Senator desires to ask me.

Mr. PITTMAN. I am going to read the Senator about a paragraph, and ask if he believes in that now.

Mr. CAMERON. I do not know what the Senator is going to read.

Mr. PITTMAN. The Senator will know when he hears it. I am going to read it, and ask him if he believes in it now.

Mr. CAMERON. Very well.

Mr. PITTMAN. Here is what the Senator quoted in his report from Mr. J. R. Eakin, superintendent of the Grand Canyon National Park——

Mr. CAMERON. I never read the report. I took the reports of the Indian commissioner and the Secretary of the Interior and the committee on this bill. Do not try to ring in something that I have not had anything to do with.

I want to say now that the Commissioner of Indian Affairs has misled the Congress and the Senate of the United States in the report that the Indians were satisfied to pay half of that money, when I know they did not know at that time and did not know until lately that the money was to be charged up to them. I want to say further that the Legislature of Arizona, at the last regular session of that body, refused to appropriate the $100,000 that was supposed to match this $100,000 appropriated by Congress. Further, this same Senate tried to stick $100,000 down the throat of the people of Coconino County for a trail. This is similar. They may do it, but I will tell you the people are going to find out where these things are coming from, who is doing it, and why.

I thank the Senate.

Mr. PITTMAN. Mr. President, with the courtesy of the Senate, I will now continue the question. I shall be through in a second. I am not going to delay matters; but here is what the Senator from Arizona especially quoted in his report, not from the Secretary of the Interior, not from the Commissioner of Indian Affairs, but he went back and dug up a report of December 13, 1924, by Mr. J. R. Eakin, superintendent of the Grand Canyon National Park, and here is what he says:

> The construction of a modern highway to the north rim by way of a bridge near Lee Ferry would open up an immense market for Indian products, which is now practically denied them. Undoubtedly a vast amount of their handiwork would be taken over this route and stocked in various stores for sale to the tourist public. Of equal importance would be the vast stream of auto tourists that would, in traveling this road, pass four trading posts in order to reach the canyon, and many autoists would, of course, visit the Rainbow Bridge country near which is the Betatakin ruin, and thus come in contact with many other trading posts, where the principal articles of sale are Navajo rugs and jewelry, and Hopi baskets, pottery, etc.
>
> The construction of such a road and bridge would greatly increase the demand for products of the Navajo and Hopi Reservations, and while it would greatly increase travel to this country and thus aid the general prosperity of the State, the Indians, I believe, would be benefited more than the whites.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. PITTMAN. Yes.

Mr. CARAWAY. Who made that report to the Senate?

Mr. PITTMAN. This report was made by the junior Senator from Arizona [Mr. CAMERON], who then presented a bill based on this report and asked for its immediate consideration; and it was passed through the Senate on his request for immediate consideration based on this report.

One other thing: The Senator in presenting this matter, after making that quotation, said:

> Under the terms of the bill it will be necessary for the State of Arizona to pay one-half of the cost of this bridge. The Governor of Arizona in his message to the State legislature on January 12, 1925, has recommended that such an appropriation be made. It will also be necessary for the State to improve the approach road from Flagstaff for a distance of about 130 miles, over half of which is within the Navajo Reservation. The road north of the Colorado River to Fredonia will also require State funds for its construction.

The unfortunate thing about the matter is that this one item is delaying the passage of the deficiency appropriation bill. Now the Senator conceives the brilliant idea that the reimbursable feature of this proposition should be knocked out; and yet his experience, in the long time he has been here, must teach him that it is the policy of the Government to have every one for whom money is expended reimburse the Government where possible. He knows that some of us have tried time and time again to avoid the reimbursable feature where the Indians were so poor that we doubted whether they could ever reimburse the Government; but we have never even succeeded in that. In this case, where there are 30,000 Indians with an empire at their disposal, where already rich oil deposits have been discovered, where there are magnificent forests of timber and large coal deposits, it is perfectly absurd to say that these Indians can not afford in the future to reimburse the Government $100,000 for this bridge, not out of the $116,000, because it does not come out of that, but in the future out of their royalties, when at the same time they get 60 miles of road built through their reservation from the south to the north at the expense of the State of Arizona. These Indians are getting millions of dollars expended by the reimbursement of $100,000. Senators talk about protests from that Indian reservation. Where are the protests?

This is no new policy. In New Mexico, in the same Navajo Reservation, right across the line, where just one-third of these Indians live, the Government has already built bridges and roads, partly in the reservation and partly out of the reservation, and has charged the Indians of the whole reservation with $140,000, reimbursable to the Government. No one complained against that. Why? Because it was the policy of the Government that it should be reimbursed.

In 1925 the junior Senator from Arizona [Mr. CAMERON] secured the passage of a bill for the building of this bridge, and provided in the bill that it should be reimbursable to the extent of $100,000 and came before this body and asked the immediate consideration of a report, and that report indorsed this bill in every particular. Now, after Congress has provided in an appropriation bill the money to carry out existing law, he attempts to go back on the whole proposition. Why? Perhaps because it may be a popular thing to say: "Instead

of charging these Indians something, the Government of the United States will donate it to them." That may be the reason; but, whether that be the reason or not, the Senator knows that the House of Representatives is firm on the proposition of this reimbursement, and that a majority of the Senate of the United States are equally firm on it. He knows that his fight here against this provision is going to do nothing except delay the passage of this bill, which carries hundreds of thousands of dollars for the benefit of his State; which carries hundreds of thousands of dollars for the benefit of the disabled soldiers of his State. Yet he is encouraging those Indians and the people of the State of Arizona to believe that the Government is going to appropriate $100,000 to build that bridge and not ask for reimbursement, when his whole experience must teach him that that policy is impossible, and that all that his arguments and all that his efforts will do is to delay the passage of this bill indefinitely without any benefit to those people.

SENATORS FROM IOWA AND NEW MEXICO

Mr. BORAH. Mr. President, I do not rise to discuss this matter. I wish to inquire, although I do not see the chairman of the Committee on Privileges and Elections here, when we may expect a report on the Brookhart-Steck election contest.

Mr. KING. Mr. President, I regret that the chairman of the committee is not here. I should like to make the same inquiry myself; and as the ranking Democratic member of the committee I will say to the Senator that I understand the plan is to have the subcommittee make a report to the full committee at a very early date. I sincerely hope that will be done. I think the illness of some of the Senators has precluded the consideration of the matter.

Mr. ROBINSON of Arkansas. Mr. President, while the general subject is being discussed, I should like to inquire when the Committee on Privileges and Elections will make a report on the Bursum-Bratton case.

Mr. GOFF. Mr. President, as chairman of the subcommittee I will say, in answer to the Senator from Arkansas, that we expect to have a meeting of the subcommittee some day the first part of this week. The pleadings in that case are now brought to issue, and the matter is ready for a meeting of the subcommittee to report upon whether or not it will order the ballots sent here.

Mr. ROBINSON of Arkansas. Am I to understand from the Senator from West Virginia that it may be expected that a report will be made in the immediate future?

Mr. GOFF. I can not state how soon the report will be made. I can say that the question is now at issue on the pleadings, and we expect to have a meeting of the subcommittee within the next few days to determine the next step to be taken in the contest.

Mr. CARAWAY. Mr. President——

The VICE PRESIDENT. The Senator from Idaho [Mr. BORAH] has the floor. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I do.

Mr. CARAWAY. In answer to the question of the Senator from Idaho I should like to say, with respect to the Steck-Brookhart contest, that as far as I know the committee can make its report within two weeks. The chairman of the subcommittee, the Senator from Kentucky [Mr. ERNST], is not in the Senate Chamber to-day, and I do not know when he will call the subcommittee together. It is ready to conclude its investigation and make its report to the full committee, and, at the request of the full committee, has gone over most of the matter. I do not know of any reason why it could not make its report this week if the chairman of the committee would call it together for that purpose.

Mr. BORAH. I had so understood the fact as stated by the Senator from Arkansas. That is the reason why I asked at this time when we might expect a report. I had understood that there was really no occasion for any further delay. When the Senator from Kentucky [Mr. ERNST] comes into the Chamber I will renew my inquiry.

Mr. GEORGE. Mr. President, I did not hear the first part of the inquiry made by the Senator from Idaho. Hearing his last remarks, I presumed, of course, that he was making inquiry about the report on the Steck-Brookhart contest.

There is no reason, Mr. President, why the subcommittee, of which I am a member, could not make its report after one day's or two days' sitting. I have myself urged immediate consideration by the subcommittee, and I have been promised that the subcommittee would be called together by the chairman as soon as the junior Senator from Arkansas [Mr. CARAWAY] returned. The junior Senator from Arkansas is now back in the Senate, of course, and I hope we can dispose of the matter and make our report to the full committee at least before the end of this week.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. ASHURST. Mr. President, I ask permission of the Senate to have printed in the RECORD copy of a sermon preached on January 31, 1926, by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, in New York City, regarding the Permanent Court of International Justice.

I also ask permission to include in the RECORD a copy of some of the proceedings in the House of Representatives of the United States under date of Tuesday, March 3, 1925, wherein the House of Representatives, by a vote of 302 yeas to 28 nays, urged adherence by the United States to the Permanent Court of International Justice. I request that the roll call showing the names of those voting for adherence and those voting against adherence be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is here printed, as follows:

THE ADHERENCE OF THE UNITED STATES TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Preached by the Very Rev. Howard Chandler Robbins, dean of the Cathedral of St. John the Divine, New York City, January 31, 1926

In one of the noblest hymns in the English language, James Russell Lowell, poet, statesman, patriot, and Christian, phrased in moving words the thought and emotion which are in the minds and hearts of most of us, perhaps all of us, this morning.

"Once to every man and nation
Comes the moment to decide,
In the strife of truth with falsehood,
For the good or evil side;
Some great cause, God's new Messiah,
Offering each the bloom or blight,
And the choice goes by forever
'Twixt that darkness and that light."

Lowell wrote these words in 1845, having in mind the irrepressible conflict, even then pending, which was to decide, once and for all time to come, whether the institution of slavery was compatible with a civilization which called itself Christian. The American people waited for nearly 20 years before making a decisive answer. The answer was heralded by the watchfires of a hundred circling camps. It was sounded forth in challenge upon the trumpet that shall never call retreat. It was phrased at last by Abraham Lincoln and sealed by the testimony of his blood, poured out in martyrdom. This Nation had been told by him that it could not endure half slave and half free. It made the great decision; it chose the side of liberty; and it endured.

To-day, as not before, perhaps, since the ending of the Civil War, our country has again been confronted with the necessity of making a political decision which is also a moral decision of supreme importance, the background of which, now as then, is the background of a prolonged, agonizing, and devastating armed conflict, the roots of which, now as then, are driven deep into the immemorial past, and the issues of which, now as then, reach out into an illimitable future. History never repeats itself exactly. The background of the decision reached 60 years ago was civil war; the background now is Armageddon. The question at issue then was the question of the perpetuation of the institution of slavery; the question at issue now is the question whether war itself shall be perpetuated as the proper method for the settlement of international disputes, or whether it shall be superseded by recognition of the binding character of international law. There are other differences upon which it is not necessary to enlarge. But now, as 60 years ago, the issue is essentially a moral issue. The choice has been essentially a corporate national choice between the good and evil side of a question involving the hopes and fears of all humanity. And, thanks be to the eternal God of judgment and of justice, now as in that fateful past, the choice of the American people, made freely after long and weighty deliberation, has been favorable to the cause of righteousness and to the kingdom of our God and of His Christ.

I shall not try, this happy morning, to recount the developments of the past few years, or to rehearse the arguments which led the Senate of the United States, truly representing the American people in its nonpartisan and overwhelmingly favorable vote, to accept the leadership of the President and give adherence to the Permanent Court of International Justice. It is not necessary to recount or to rehearse them. Most of us know them by heart, and are met to-day, not to review or to argue, but to rejoice. But there are three aspects of the matter which appear to me to be deserving of brief consideration, and to be appropriate for consideration at this time and in this place. I invite your attention to them now.

In the first place, we can not properly rejoice in a great national accomplishment without paying the tribute of grateful recollection to those who, whether by statesmanlike planning, or by sacrificial devotion, and, in the case of tens of thousands, at the cost of life itself, brought it about. We think first of all of our dead, the young soldiers who went to France, some of them of military necessity, but more of them because morally they could not do otherwise, moved by the noblest and most idealistic motives that ever prompted youth to draw the sword. It has been said of them that they were not so moved, and that our country entered the war for merely selfish consideration, to "save its skin."

Let us to-day brand that falsehood and dismiss it with everlasting contempt. Motives are mixed, in nations as in men, but if ever they approach purity, they approached it in this instance. John Arkwright's beautiful tribute is as deserved by our American soldiers as by the young Englishmen for whom it is inscribed upon so many war memorials in England:

"Proudly you gathered, rank on rank to war,
As who had heard God's message from afar;
All you had hoped for, all you had you gave
To save mankind—yourselves you scorned to save."

Was mankind to be saved unless something should come out of the war worth even that tremendous purchase price—some new self-ordering of human affairs that should include a League of Nations for cooperation in all helpful ways, and a Permanent Court of International Justice, making possible the resort to justice instead of the resort to force? Mr. Elihu Root, who has taken a part so honorable to his country as well as to himself in this matter, has told us that what the world needs is institutions to make effective the will to peace. That will is always present, but often inarticulate, and often overborne by the tumult of popular passion and prejudice. No nation is capable of being at the same time attorney, jury, judge, and executioner in a cause involving its own real or apparent interests. Our young men, as they went to France, repeated out of an honest and good heart the slogan by which they had been summoned, that this was a war to end war. The members of the American Legion were guided by surest instinct when, at the great convention held in Omaha last year, they indorsed emphatically the proposed entry of our country into the World Court. They knew no surer way of fulfilling the great and sacred obligation of the living to the dead.

And then we think also, and with gratitude, of others who, although they were not called upon to pay so great a price, gave all that they were called upon to give, without self-sparing, for the same good end; the statesmen and publicists of this and many lands who, even in the heat of present conflict, were far-sighted enough to look beyond the immediate horizons, murky with hatred and the thunderclouds of battle, and to discern in the distance the mountain peaks of a better future for humanity, to which the agreements of Locarno and the entry of our country into the World Court are the most significant approaches at the present time. We are grateful that we can number among them every President of the United States who has held office within recent years: Theodore Roosevelt, who, with all the ardent force of his impetuous nature, pleaded for the cooperation of nations to enforce justice and so establish peace; William Howard Taft, our beloved and honored Chief Justice, who, as early as the spring of 1915, was urging upon American public opinion the necessity of a league to enforce peace; Woodrow Wilson, who made the willing sacrifice of health, and indirectly of life itself, in his great endeavor; Warren Gamaliel Harding, whose devotion to the World Court was the chief merit of his brief administration and was reflected in the principal addresses made during the last weeks of his life; and to-day Calvin Coolidge, happy in being the Joshua under whose leadership his fellow-countrymen, without distinction of party, are passing over into the promised land of a world-wide reign of law. And it is right that in this connection honor should be paid to a statesman who, although he never occupied the presidential chair, was the wise friend and counselor of American President, John Hay, who began his public career as secretary to Abraham Lincoln and closed it as Secretary of State in the Cabinet of President Roosevelt. No man in American history was ever more internationally minded in his patriotism or more determined that his country should seek and find honor, not by show of force, but by respect for law; not by oppression of the weak, but by charity and helpfulness and a decent respect for the opinions of mankind.

Then, in the second place, we take satisfaction that the adherence of our country to the World Court means emerging from an ungracious and unhelpful isolation into a better and more Christian relation to world affairs, and that this means the breaking down of many racial and political prejudices which did little credit to our patriotism or to our humanity. It is significant that the most determined and well-organized opposition to the new departure came from a group which has become synonymous for organized race hatred. Hooded figures, which conceal their identity and strike down their victims in the dark, are not characteristic of our American civilization.

They have no helpful part to play in the common life of a democracy. We remember St. Paul's words that there is neither Jew nor Greek, male or female, bond or free, but all are one in Christ Jesus. We paraphrase them to meet present-day conditions, and we declare to all who walk in the darkness of race prejudice and religious bigotry that in a true democracy, so far as citizenship and mutual charity and helpfulness are concerned, there should be neither Protestant nor Catholic, native-born nor immigrant, white man nor black; but that all, moved by a common impulse, should promote the peace and welfare of their country in the daily interminglings of their common life.

And, finally, and here we trench more definitely upon religious grounds, we take satisfaction in the thought that in the decision of the United States to give its adherence to the World Court a stumbling block has been removed from the path of high-minded men and women, especially young men and women, who have apprehended the possibility of disastrous conflict between the two greatest motives that move mankind in the mass—the motive of patriotism and the motive of religion.

The experience of the Old World has furnished illustrations in abundance of the desolating effect of such a conflict; we must make every effort to see that it is never duplicated in the new. Few of our young people, I think, are out-and-out pacifists. Most of them are logical enough to realize that such a position has domestic as well as international implications; that the logic of such a position carries with it Count Tolstoy's doctrine of anarchy; for if force is in itself unrighteous in international affairs, what justification is there for it in the case of the policeman? But many of our young people, having taken to heart the lessons of the Great War, are now prepared to sacrifice their liberty and even life itself rather than to engage in any armed conflict in which the moral issues are not as definitely determined as in the case of policeman versus outlaw. The adherence to the World Court assures for them that definite determination. In questions involving right and wrong it will give them for their guidance and direction opinions based not upon prejudice or passion but upon international law. In the we trust unthinkable event of their country refusing to submit justiciable questions to this court before resorting to arms there would be no conflict between religion and patriotism. Both would require the same protest, for the protest in such an event would be directed not against the corporate will of the Nation but against the temporary betrayal of that will by a disloyal administration.

Strangely enough, this moral gain which has accrued through the recent action of the Senate received scant recognition, if any, in the debates upon the floor of the Senate, which preceded such action. Our Representatives have builded better than they knew. They have built a bulwark of law and justice for the protection of sensitive consciences. They have lifted the level of the Nation's purpose, feeling, and thought.

For all these things, for the past effort crowned now with great reward, for the breaking down of barriers which ought not to exist, and for the bringing together of the interests of patriotism and religion we thank God to-day with full and grateful hearts.

HOUSE OF REPRESENTATIVES,
Tuesday, March 3, 1925.

PERMANENT COURT OF INTERNATIONAL JUSTICE

Mr. BURTON. Mr. Speaker, I move to suspend the rules and pass House Resolution 426, favoring membership of the United States in the Permanent Court of International Justice.

The Clerk read the resolution, as follows:

"Whereas a World Court, known as the Permanent Court of International Justice, has been established and is now functioning at The Hague; and

"Whereas the traditional policy of the United States has earnestly favored the avoidance of war and the settlement of international controversies by arbitration or judicial processes; and

"Whereas this court in its organization and probable development promises a new order in which controversies between nations will be settled in an orderly way according to principles of right and justice: Therefore be it

"*Resolved*, That the House of Representatives desires to express its cordial approval of the said court and an earnest desire that the United States give early adherence to the protocol establishing the same, with the reservations recommended by President Harding and President Coolidge;

"*Resolved further*, That the House expresses its readiness to participate in the enactment of such legislation as will necessarily follow such approval."

The SPEAKER. Is a second demanded?

Mr. CONNALLY of Texas. Mr. Speaker, I demand a second.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Ohio asks unanimous consent that a second may be considered as ordered. Is there objection?

There was no objection.

* * * * * * *

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds having voted in favor thereof——

Mr. BLANTON. In order to have a showing, I ask for a rising vote.

The House divided; and there were—ayes 149, noes 10.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 302, nays 28, not voting 101, as follows:

[Roll No. 101]

Yeas—302: Abernethy, Ackerman, Allen, Allgood, Almon, Anderson, Andrew, Anthony, Arnold, Ayres, Bacharach, Bacon, Barbour, Barkley, Beedy, Beers, Begg, Bell, Bixler, Black of Texas, Bland, Blanton, Bloom, Boies, Bowling, Box, Boyce, Brand of Georgia, Briggs, Browne of Wisconsin, Browning, Brumm, Buchanan, Bulwinkle, Burtness, Burton, Busby, Byrnes of South Carolina, Byrns of Tennessee, Canfield, Cannon, Carew, Carter, Celler, Chindblom, Christopherson, Clague, Clancy, Clarke of New York, Cleary, Cole of Iowa, Collier, Colton, Connally of Texas, Cook, Cooper of Ohio, Cooper of Wisconsin, Cramton, Crisp, Croll, Crosser, Crowther, Cummings, Dallinger, Davis of Tennessee, Dempsey, Denison, Dickinson of Iowa, Dickinson of Missouri, Dickstein, Doughton, Dowell, Drane, Drewry, Driver, Elliott, Evans of Iowa, Evans of Montana, Fairfield, Faust, Fenn, Fish, Fisher, Fitzgerald, Foster, Frear, Fredericks, Free, Freeman, French, Frothingham, Fuller, Fulmer, Funk, Gambrill, Garber, Gardner of Indiana, Garrett of Tennessee, Garrett of Texas, Gasque, Geran, Gibson, Gifford, Gilbert, Goldsborough, Green, Greenwood, Griest, Griffin, Guyer, Hadley, Hall, Hammer, Hardy, Harrison, Hastings, Hawes, Hawley, Hayden, Hersey, Hill of Alabama, Hill of Washington, Hoch, Holaday, Howard of Oklahoma, Huddleston, Hudson, Hull of Iowa, Hull of Tennessee, Hull, Morton D., Hull, William E., Jacobstein, Jeffers, Johnson of Kentucky, Johnson of South Dakota, Johnson of Texas, Johnson of Washington, Jones, Kearns, Kelly, Kent, Kerr, Ketcham, Kiess, Kincheloe, Knutson, Kopp, Kurtz, LaGuardia, Lanham, Lankford, Larsen of Georgia, Lazaro, Lea of California, Leach, Leavitt, Lee of Georgia, Lehlbach, Lineberger, Linthicum, Lowrey, Luce, McClintic, McDuffie, McKeown, McLaughlin of Michigan, McLaughlin of Nebraska, McReynolds, McSweeney, MacGregor, MacLafferty, Magee of New York, Magee of Pennsylvania, Major of Illinois, Major of Missouri, Mansfield, Mapes, Martin, Merritt, Michener, Miller of Washington, Milligan, Minahan, Montague, Mooney, Moore of Illinois, Moore of Ohio, Moore of Virginia, Moores of Indiana, Morehead, Morris, Morrow, Murphy, Nelson of Maine, Newton of Minnesota, Nolan, O'Connell of Rhode Island, O'Connor of Louisiana, O'Connor of New York, Oldfield, Oliver of Alabama, Park of Georgia, Patterson, Peery, Perkins, Perlman, Phillips, Porter, Prall, Quayle, Quin, Ragon, Rainey, Raker, Ramseyer, Rankin, Ransley, Rathbone, Rayburn, Reece, Reed of Arkansas, Reed of New York, Reed of West Virginia, Reid of Illinois, Richards, Robinson of Iowa, Robsion of Kentucky, Rogers of New Hampshire, Romjue, Rouse, Rubey, Sabath, Sanders of Indiana, Sanders of New York, Sanders of Texas, Sandlin, Schneider, Scott, Sears of Nebraska, Seger, Shallenberger, Sherwood, Shreve, Simmons, Sinnott, Smithwick, Snell, Snyder, Speaks, Spearing, Sproul of Kansas, Stalker, Steagall, Stedman, Stengle, Stephens, Stevenson, Strong of Kansas, Strong of Pennsylvania, Summers of Washington, Swank, Sweet, Swoope, Taber, Taylor of Colorado, Taylor of West Virginia, Temple, Thomas of Oklahoma, Tillman, Tilson, Timberlake, Treadway, Tydings, Underhill, Underwood, Upshaw, Vaile, Vestal, Vincent of Michigan, Vinson of Kentucky, Wainwright, Wason, Watres, Weaver, Weller, Welsh, White of Kansas, White of Maine, Williams of Illinois, Williams of Michigan, Williamson, Wilson of Indiana, Wilson of Louisiana, Wilson of Mississippi, Wingo, Winslow, Winter, Woodruff, Woodrum, Wright, Wyant, and Zihlman.

Nays—28: Beck, Black of New York, Boylan, Brand of Ohio, Cable, Campbell, Collins, Connery, Cullen, Deal, Fairchild, Hill of Maryland, James, King, Lampert, Lindsay, McFadden, Mead, Morgan, Nelson of Wisconsin, Schafer, Sinclair, Tague, Thomas of Kentucky, Thompson, Tinkham, Voigt, Wefald.

Not voting—101: Aldrich, Aswell, Bankhead, Berger, Britten, Browne of New Jersey, Buckley, Burdick, Butler, Casey, Clark of Florida, Cole of Ohio, Connolly of Pennsylvania, Corning, Curry, Darrow, Davey, Davis of Minnesota, Dominick, Doyle, Dyer, Eagan, Edmonds, Favrot, Fleetwood, Fulbright, Gallivan, Garner of Texas, Glatfelter, Graham, Haugen, Hickey, Hooker, Howard of Nebraska, Hudspeth, Humphreys, Johnson of West Virginia, Jost, Keller, Kendall, Kindred, Kunz, Kvale, Langley, Larson of Minnesota, Leatherwood, Lilly, Logan, Longworth, Lozier, Lyon, McKenzie, McLeod, McNulty, McSwain, Madden, Manlove, Michaelson, Miller of Illinois, Mills, Moore of Georgia, Morin, Newton of Missouri, O'Brien, O'Connell of New York, O'Sullivan, Oliver of New York, Paige, Parker, Parks of Arkansas, Peavey, Pou, Purnell, Roach, Rogers of Massachusetts, Rosenbloom, Salmon, Schall, Sears of Florida, Sites, Smith, Sproul of Illinois, Sullivan, Sumners of Texas, Swing, Taylor of Tennessee, Thatcher, Tincher, Tucker, Vare, Vinson of Georgia, Ward of New York, Ward of North Carolina, Watkins, Watson, Wertz, Williams of Texas, Wolff, Wood, Wurzbach, Yates.

So, two-thirds having voted in the affirmative, the rules were suspended and the resolution was passed.

RIGHTS OF AMERICAN CITIZENS IN MEXICO

Mr. NORRIS. Mr. President, is there not a resolution coming over from a preceding day? I offered a resolution, which is on the table, and I would like to have it disposed of

The VICE PRESIDENT. The Chair lays the resolution before the Senate, and it will be read.

The CHIEF CLERK: Senate Resolution 151, submitted by Mr. Norris February 18, 1926:

Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactment of such laws; and

Whereas the American people are in ignorance of the real questions involved because the official correspondence between the two Governments has not been made public; and

Whereas full publicity of all the facts entering into such dispute is extremely desirable in order that the people of the two Governments may fully understand all the questions involved in said dispute; and

Whereas it has been stated in the public press that the Department of State has been very anxious to give full publicity to the official correspondence and that the Mexican Government has objected to such publicity: Now, therefore, be it

Resolved, That, if not incompatible with the public interests, the Secretary of State be requested to inform the Senate whether the Mexican Government has objected and is objecting to the publication of all the official correspondence pertaining to said dispute, and if it has so objected what reason, if any, has been assigned for the objection to such publicity.

Mr. CURTIS. Mr. President, I talked with the Senator from Idaho [Mr. BORAH] last Saturday about this resolution, and he told me that he would like to have it go over.

Mr. NORRIS. The Senator from Idaho has just come into the Chamber and I would like to inquire whether there is any further objection to the present consideration.

Mr. BORAH. Mr. President, the facts with reference to the correspondence which the Senator desires to have are these, briefly: Neither the Secretary of State of the United States nor the ambassador from Mexico objects, as I understand it, to having the correspondence published. The delay has been due to the fact that the correspondence is still in progress. I think, however, the Secretary of State expected to send his reply to the last letter of the Mexican Government to-day, and it is presumed that that will close the correspondence.

As nearly as I can ascertain the facts, the representative of the Mexican Government and the Secretary of State will then be willing to have the correspondence published. I would suggest, therefore, if it is satisfactory to the Senator, that the resolution go over for another day or so, because I think we will get the correspondence quite as speedily as if the resolution should be passed now. The matter is delayed solely because of the desire to have a complete understanding between the two Governments as to when the correspondence shall be published. The delay has been due to the fact that it was thought to be wise to wait until the correspondence was concluded. I do not understand that either Government objects to full publicity.

Mr. NORRIS. Mr. President, the introduction of this resolution was not the result of idle curiosity. I know that serious international difficulties often arise from misunderstandings which come about through the secrecy of diplomatic methods. I am not anticipating that the difficulties in this case might result in a war between the United States and Mexico. Such a war would be one-sided, as everybody knows. But secret negotiation is a method which brings on war between governments of equal ability, military and financial. I believe we ought to be as careful in our foreign relations with a nation that is weak as though we were negotiating with some nation equal in size, and in military and financial strength.

The secrecy which obtains always gives rise to propaganda, inculcating in the hearts of the citizens of different nations a feeling of hatred, which will eventually grow and grow until there rises a feeling between the nations sufficient, if they are of equal ability, to bring on war, and if not, then it means that the weaker nation must suffer because of its inability to cope with the nation that is stronger.

The difficulty arising over title to oil lands in Mexico is a purely legal proposition. My resolution seeks nothing but publicity, which would give to the people of Mexico and to the people of the United States absolute knowledge as to just what the dispute is, and what position has been taken by each of the Governments. In other words, it would, I think, dispel any possibility of such a misunderstanding in the future as always comes about when secrecy controls governments.

I am not unmindful, I can not be unmindful, of the fact that since this dispute has arisen, there has apparently been a propaganda in the newspapers, in substance laying a foundation of hatred of a religious nature and of an educational nature on the part of our people against Mexico. It is charged in the newspapers that Mexico is excluding missionaries and ministers and educators from the schools, the articles being couched in language which, it seems to me, can have no other object than to create dislike, mistrust, and hatred in the hearts of the American people against the Mexican Government. If it can be carried on until that hatred is aflame, while these secret negotiations are going on, millionaires can steal oil lands in Mexico without anybody knowing it, or without anybody finding it out.

The greatest difficulty with our diplomacy is secrecy. The greatest danger of serious misunderstanding between governments is secrecy of negotiations, and at the proper moment the propaganda instituted in both countries to inculcate a feeling of distrust and hatred against the citizens of another.

All this would, as a rule, be dissipated, all difficulty would be avoided if the intelligent citizenship of the countries had access to the truth; and the truth is all I seek to obtain. I will not be satisfied with a statement from the Secretary of State, through the chairman of the Committee on Foreign Relations, or to me personally, that I can have access to the correspondence or that it can be seen. I want the American people to see it. I want the Mexican people to see it. I want the cards of these two Governments laid on the table face up so that everybody may examine for themselves all the correspondence, be informed as to what misunderstanding there may be, and inquire into whatever legal fictions may exist. Let it all be submitted publicly to the people not only of the countries, but to the people of the world.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield.

Mr. KING. I did not hear the reading of the resolution which is the subject of discussion, and I ask the Senator whether it comprehends any correspondence relating to lands other than oil lands, because the Senator knows the claim is made by many Americans that not only have oil lands been expropriated, or efforts have been made to expropriate them, but that estates and holdings of many American citizens, acquired many years ago, and developed by them at very great expense, have also been expropriated, either by a State of Mexico or by the National Government itself. I was wondering whether the Senator's resolution is broad enough to ask for the correspondence relating to those alleged confiscatory acts of the States or of the Federal Government of Mexico, as well as the correspondence relating to the oil controversy.

Mr. NORRIS. Mr. President, I can perhaps answer the Senator's question best by reading the first whereas. It is as follows:

> Whereas various statements in the public press seem to indicate that there is a serious dispute between the Government of the United States and the Government of Mexico, in which it is claimed that various constitutional provisions and statutes of the Mexican Government conflict with the rights of American citizens alleged to have been acquired in oil lands in Mexico prior to the adoption of such constitutional provisions and the enactement of such laws.

I will say to the Senator from Utah that that is practically the only thing the resolution seeks to get. In later whereases it is alleged that it has been stated that our Government was anxious to give publicity, and that the Mexican Government has objected to that. This resolution asks our State Department, if not incompatible with public interests, to tell us whether it is true that the Mexican Government objects to publicity; and if so, why it objects. That is the substance of the resolution.

Mr. KING. I do not object to the resolution, but if it should be presented for passage, I should suggest to the Senator an amendment, and I shall offer it if he does not object, to inquire not only for the correspondence relating to oil lands but to other lands, especially estates and agricultural lands, which it is alleged have been confiscated by the Federal Government and by some of the State governments in Mexico.

Mr. NORRIS. I have no objection to that, unless it would interfere with securing the information I want. We can not have too much publicity for me.

Mr. KING. I have been informed that some of the States of Mexico, as well as the national Government, have seized property belonging to American citizens, which they have held for very many years, and have subdivided it, or at least it is claimed that they have subdivided it and turned it over to agrarians for development. I should like full information.

Mr. NORRIS. The correspondence covering those facts would disclose to the people of the two countries, I think, just what the contest is, what merit there may be, if any, and what exaggeration, if any, there may be. In other words, it would take away everything but the truth, and we ought to have that.

Mr. SMITH. Mr. President, I want to call the Senator's attention to the fact that I have had correspondence in reference to an American citizen whose property was taken under some act of the Mexican Government, and who for years and years has been negotiating with our State Department, setting forth his rights, how he had acquired it, and how it had been taken, as he understood it, without any consideration of the relation existing between the Mexican Government and this Government. The matter is still in abeyance, and that citizen does not understand whether it is the fault of his Government or the fault of the Mexican Government, and what his rights are, if he has any. The whole matter is in confusion.

I state frankly that the communications I have had from the State Department have not shed very much light on the matter. The only thing that seems to be a fact is that the Mexican Government has this property, which the American citizen alleges he bought and paid for, and that he has been deprived of the use of it for the last two or three years.

Mr. NORRIS. All such things ought to be settled in the open light of day. The questions involved are questions of law. They are questions which can be determined, if submitted to the right kind of a legal tribunal, without concealing any of the facts or preventing the people of the two countries from knowing the truth. That ought to be done, it seems to me.

Mr. SWANSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Virginia.

Mr. SWANSON. If we are going to get information in reference to Mexico, we ought to get full information on all the various phases of the controversy between the two Governments. We ought to get full information regarding the negotiations which led up to the recognition of Mexico and any promises which were made in connection with the retroactive features of Article XXVII of the Constitution. We ought to have information at the same time in connection with the policy that Mexico apparently has of appropriating the land and property of American citizens and paying for it with bonds that are not worth anything and that can not be sold for anything, which amounts to confiscation of the property.

We ought also to have information in regard to the statute recently enacted in Mexico prohibiting the ownership of property by Americans within certain distances from the boundary line and the coast line, and made applicable not only to oil lands, but also to homes and other investments made by American citizens in that territory. I understand that the State Department is willing to give out the correspondence and a statement of the position it takes in the matter. I understand, as the chairman of the Committee on Foreign Relations has stated, that the Mexican Government has not refused, but has not given its consent; that the State Department will soon get its consent.

I would like to have all the correspondence and am desirous of obtaining it. I had a great deal of it sent to us when we ratified the treaties with Mexico, and also the assurances that were given by the Mexican Government at the time the treaties were ratified. I think when we get the information it ought to be full and complete and published in a document.

I would suggest to the Senator from Nebraska that he follow the suggestion made by the Senator from Idaho and let the resolution go over for a day or two. I am satisfied the information will be furnished, and I think it ought to be furnished in full. The Senator can recognize that it would be very embarrassing to our Government to give reasons why the Mexican Government did not wish to publish the correspond-

ence at this time, when it has not really refused, as I understand it, but is waiting to get the consent of Mexico. It is very difficult for a government to publish correspondence of another government without its consent.

Mr. NORRIS. Let me make some reference to what the Senator has said before he proceeds further and then I will yield the floor. The Senator can then talk about it as long as he wants.

I have heard it said, just as the Senator from Virginia has intimated, that our Government has been extremely anxious to give publicity to all of the correspondence, but that the Mexican Government would not consent to it. However, I have also received information as reliable as the other that the Mexican Government has never objected to publicity and that it is our Government that is objecting to publicity. I am trying to find out in which woodpile the negro is located. The resolution would do that. They can say, of course, that it is not compatible with the public interests and decline to give any information, but I would like to know the truth. The truth ought to set the people free. It will if we get it all.

I am not seeking to get the countries into a controversy by the resolution. The only objection I have to broadening it so as to take in everything running over all the years of the past since the recognition of the Government of Mexico is that it would make it cover so much matter that I will say to the Senator from Virginia I fear somewhere along the line would be discovered a reason for not giving any publicity, which would be used as an excuse so that we would get no publicity of anything.

I am just as much in favor of publicity along all the lines the Senator has mentioned as he can possibly be, but I have confined the resolution to the recent oil disputes, something that is in progress now, something that is a controversy of the present time, and I would prefer to confine it to information with reference to that rather than to broaden it so as to give an excuse for not furnishing any information whatever. It would be all right to have another resolution such as the Senator has outlined, and I would give it my hearty support.

Mr. SWANSON. Does not the Senator think it would be well to follow the suggestion made by the chairman of the Committee on Foreign Relations?

Mr. NORRIS. I am going to follow the suggestion. I have no disposition to press the matter now. I have no disposition to disregard the request of the chairman of the Committee on Foreign Relations and I therefore ask that the resolution may go over without prejudice.

The VICE PRESIDENT. The resolution will go over without prejudice. The next resolution coming over from a previous day will be stated.

VIOLATIONS OF SHERMAN ANTITRUST LAW

The CHIEF CLERK. The resolution (S. Res. 153) submitted by the junior Senator from Utah [Mr. KING] on February 22, relative to decrees obtained, property seized, and conviction of persons for violation of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890.

Mr. KING. Mr. President, I can conceive of no objection to the adoption of the resolution. It has gone over two or three times at the request of the senior Senator from Kansas [Mr. CURTIS].

Mr. WILLIS. I call the attention of the Senator from Kansas to the resolution. I suggest that some explanation should be made with reference to the resolution.

Mr. CURTIS. I have no objection to the resolution.

Mr. WILLIS. Then I have none.

The resolution (S. Res. 153) was considered by unanimous consent and agreed to, as follows:

Resolved, That the Attorney General report to the Senate the number of persons who have been convicted and imprisoned for a violation of section 1 of the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 2 of said act, together with the dates of such convictions;

The number of persons who have been convicted and imprisoned for a violation of section 3 of said act, together with the dates of such convictions;

The number of decrees which have been obtained in behalf of the United States under section 4 of said act, the number of such decrees which were consent decrees, the number of proceedings in contempt which have been brought to enforce such decrees, and the number of persons adjudged to have been in contempt with respect to the performance of such decrees, together with the dates of such cases;

The amount of property which has been seized, condemned, and forfeited to the United States under provisions of section 6 of said act, together with the dates of such forfeitures;

And the number of cases in which judgments have been obtained under section 7 of said act, together with the dates of such cases.

POSTAL RECEIPTS

The VICE PRESIDENT. The next resolution coming over from a previous day will be stated.

The CHIEF CLERK. The resolution (S. Res. 156) requesting information relative to postal receipts for the six months ending December 31, 1924, and December 31, 1925, respectively, submitted by the senior Senator from Mississippi [Mr. HARRISON] on February 24.

Mr. MOSES. Mr. President, in the absence of the Senator from Mississippi [Mr. HARRISON], may the resolution go over without prejudice?

The VICE PRESIDENT. The resolution will be passed over without prejudice.

THE CALENDAR

Mr. CURTIS. Mr. President, I ask unanimous consent for the consideration of the unobjected bills on the calendar until 2 o'clock.

The VICE PRESIDENT. Without objection, it is so ordered. The clerk will state the first bill on the calendar.

The bill (S. 1134) to authorize the settlement of the indebtedness of the Czechoslovak Republic to the United States of America was announced as first in order.

Mr. WILLIS. Mr. President, I desire that all of the measures pertaining to foreign debt settlements may go over for the present, being Senate bill 1134, Senate bill 1135, Senate bill 1136, Senate bill 1137, Senate bill 1138, and Senate bill 1139.

The VICE PRESIDENT. The bills will go over.

SETTLEMENT OF CLAIMS

The bill (S. 1912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $5,000 in any one case was announced as next in order.

Mr. KING. Mr. President, I prefer to yield to the Senator from Colorado [Mr. MEANS], but in view of the action taken by the Committee on Claims and by the Judiciary Committee in the appointment of a joint subcommittee for the consideration of the questions involved here as well as cognate matters, I hope my friend from Colorado will not be offended if I ask that the measure go over for the present.

Mr. MEANS. Mr. President, I do not understand that the two subcommittees were to pass upon this question at all. If the Senator from Utah will bear with me for a moment, if he understands what the Committee on Claims is endeavoring to accomplish by the bill, I do not see how he can well raise an objection unless it be to the third paragraph of the bill. I call his attention to the fact that there are now over 600 bills pending before the Committee on Claims. We are being requested daily by Senators to take action of some kind. We are there acting as nisi prius judges on the claims. We enacted what is called the "small claims" law providing a limitation of $1,000 jurisdiction. We here ask in exactly the same language, with the exception of the committee amendment, as to date and the change of the word "legal" to "just," an increase to $5,000 in the amount of the claims to be considered by the heads of departments.

We have a great number of tort claims that it is not asked shall go before the Court of Claims or the Federal courts, and that is the question we were to consider and to which the Senator has referred. But there being such a great number of them, we have not the means of intelligently passing upon them. We have an agency called the compensation commission, which has authority to consider claims under $5,000 in amount, and we only give to that commission the right to make a report to Congress, while Congress still retains jurisdiction of the entire matter. We have not undertaken to change the situation so far as the authority of Congress is concerned. We merely propose to designate an agency to act for the Committee on Claims to determine the righteousness and justness of claims up to $5,000, and no more, and report back in writing to Congress, but Congress retains jurisdiction. It is merely the establishment of an aid to the Committee on Claims in the form of people who understand the matter of getting the necessary evidence. We can not have the doctor's certificates in such matters. We can not have the evidence before us to enable us intelligently and justly to pass upon the claims. We merely provide that a commission now existing, without any additional officers and with no more salaries to be paid, shall pass upon these claims instead of requiring the Committee on

Claims to pass upon them and return to us a report as to whether the claims are just or not.

This matter was considered by the Committee on Claims and reported unanimously. There is no danger involved. There is no change from any present system. There is no increase in the jurisdiction of anyone at all. It is simply an aid to the Committee on Claims and it will enable them more intelligently to pass upon these questions. Congress always retains jurisdiction, and nothing can be done until Congress finally passes upon the claims. Our small claims act has served so well that we have merely increased to $5,000 the amount of claims that may be considered, and the other provision merely creates an agency to hear and determine the evidence without any rules or regulations of any kind and inform us what their opinion is with reference to the claims. It is a matter that can be taken away from them at any moment. There is nothing to increase their jurisdiction to any extent.

With that explanation, unless the Senator desires to make inquiry along the line he suggested, I can not see that it is a matter for the two committees to pass upon at all. As I understand it, the subcommittee of the Committee on Claims and the subcommittee of the Judiciary Committee were to pass upon the question of the jurisdiction of the Court of Claims in these matters and as to the proper place to refer them. We are not going to increase the jurisdiction of anybody at all.

Mr. KING. Mr. President, my understanding of the duty committed to the joint committee of which I have spoken was, among other things, and that was really the paramount thing as I understood it, to inquire as to the wisdom and the propriety of permitting a suit at all against the Government for a tort of its agents. It is a serious matter whether we ought to permit the Government to be sued at any place in the United States when some person has received an injury possibly through the negligence of a soldier or a man driving one of the Government cars upon a military reservation or any civil employee of the Government of the United States. It would mean a large number of suits annually in all parts of the United States at a cost to the Government of a stupendous sum. It did seem to me that the duty which was devolved upon the committee—and I hope the chairman of the Committee on Claims is a member of the subcommittee from his committee—was to inquire into that question fully and it would comprehend, as I view it, some of the provisions of the bill.

I agree that the bill does not authorize suits, but it does seem to imply that in a case of negligence the committee or the head of the department shall so find, and if it is a just claim it shall be certified much the same as when the Court of Claims certifies a claim to the Congress, and the presumption is that Congress will ipso facto make the necessary appropriation to cover the finding. I do hope my friend will let this bill go over.

Mr. MEANS. The difference is this: The Senator thinks that we are proposing to open the door and granting generally the right to sue the Government. There is nothing of the kind involved. That is a question which would be considered by the joint action of the subcommittees. This bill merely relates to claims which were presented before the Committee on Claims. It is a physical impossibility for us to give the consideration which Senators here are requesting every day to numerous bills embodying small claims; we can not do it, and there ought to be some means to provide for such matters. We are not surrendering a part of the jurisdiction; we are not granting the right to sue the Government. The bill merely provides an agency to determine the justice of claims and to report back to Congress. So I can not see that it has anything whatsoever to do with the matter to which the Senator refers. It will be a tremendous aid to the Committee on Claims. If I thought otherwise, I should certainly accede to the Senator's suggestion, but the bill relates to nothing which the subcommittees are to pass upon. This proposition would relieve the Committee on Claims so that we could more intelligently and energetically carry on our business.

Mr. KING. Mr. President, may I say to the Senator that I contemplated a rather larger field of investigation and duty than that indicated by the Senator from Colorado. In view of the fact that there are so many claims presented against the Government not only for torts upon the land but for torts at sea, and so many admiralty cases are presented where it is difficult to ascertain the facts, and no fact-finding commission has been established or other means provided in order to determine morally and legally the responsibility, if it shall be determined that the Government shall be sued, my understanding was that the facts could be found and this joint subcommittee might canvass the entire subject with a view to determining first, Shall we permit any suits against the Government? Second, if so, how shall we limit them? Thirdly, if we shall not permit suits against the Government, what steps shall we take for the purpose of ascertaining the facts in order to determine whether there is a moral liability so that the Government might, if it desired, through Congress make an adequate appropriation? That is the view that I had on the functions of that committee.

Mr. MEANS. Even if that were true, this proposition would not interfere with it at all.

Mr. KING. Yes. This amendment proposes to impose the duty upon the heads of the departments to make investigations where claims are made on the Treasury for less than $5,000, and if they find them just so to certify to Congress, and there is an implied obligation, then, for Congress to appropriate to pay them.

Mr. MEANS. It is a mere increase of the limit contained in the present law from $1,000 to $5,000. It does not change the law otherwise, but is identical with the law as it is now.

Mr. KING. I am not sure as to the present law. I hope, however, the Senator from Colorado will not object to this matter going over in order to give me an opportunity to look into it a little further.

Mr. MEANS. If the Senator has any doubt about the matter, I am willing that the bill shall go over. I hope, however, he will examine it, because on the next calendar day I shall ask that it be passed. I do not object to having the bill passed over until the next calendar day, when I hope it may be passed.

Mr. KING. In the meantime I think I can convince the Senator that the bill ought to go to the committee of which I have spoken.

Mr. MEANS. If the Senator desires, I shall let the bill go over to the next calendar day.

The VICE PRESIDENT. The bill will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (H. R. 6559) for the construction of certain public buildings, and for other purposes, was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

Mr. FESS. Mr. President, the chairman of the Committee on Public Buildings and Grounds [Mr. FERNALD] has been ill for several days and is not now able to be in the Senate Chamber. He is exceedingly anxious, however, that we shall fix a day for the consideration of the bill, if possible, and I wish to call the attention of the steering committee to the fact that we should be glad to have some definite day fixed on which the bill may be considered. For to-day the bill will have to go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER

The bill (S. 2158) for the relief of certain disbursing officers of the office of Superintendent State, War, and Navy Department buildings was announced as next in order.

Mr. ROBINSON of Arkansas. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 124) for the relief of the Davis Construction Co. was announced as next in order.

Mr. KING. Let us have an explanation of that bill, Mr. President.

Mr. WILLIS. I suggest that the bill be passed over temporarily without prejudice, since the Senator from New Hampshire [Mr. MOSES], who introduced it, is not in the Chamber at the moment.

The VICE PRESIDENT. The bill will be passed over without prejudice.

A. T. WHITWORTH

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 588) for the relief of A. T. Whitworth. It proposes to pay $73.50 to A. T. Whitworth for the loss of personal effects possessed by his son, Lester R. Whitworth, private, serial No. 3024-033, Medical Department, United States Army, upon his death in the service, and which personal effects passed into the custody of proper department of the Army for transmission to A. T. Whitworth.

The bill was reported to the Senate without amendment, ordered engrossed for a third reading, read the third time, and passed.

JAMES H. KELLY

The bill (S. 1058) for the relief of James H. Kelly was announced as next in order.

Mr. KING. Let that bill go over, Mr. President.

Mr. BINGHAM. Mr. President, I hope the Senator from Utah will withhold his objection for a moment.

Mr. KING. Is that a case of desertion?

Mr. BINGHAM. This is an extremely worthy case of a soldier who served his country for three years, from 1861 to 1864, without having anything against his record, and who on his second enlistment was on his way to the hospital when the war, as he thought, was over. It is a matter of fairness and justice to the soldier because of his record that the bill should be considered. He was detained in a hospital, due to an illness which overtook him on the road. It seems to me that if the Senator from Utah will look into the case, which was reported favorably during the last Congress by the then Senator from Massachusetts, Mr. Walsh, he will withdraw his objection.

This is not one of those cases of desertion by a man who served only a few days. This man, I repeat, served his country three years, and early in his second enlistment he was overtaken by illness; but due to a mix-up in the records, he has been carried apparently as a deserter since the end of the war.

Mr. KING. I will say to the Senator that there have been thousands of bills introduced here for real, genuine deserters to have their names put back upon the rolls. Of course there is always a provision that such legislation shall not carry any back pay, but immediately after they are put on the rolls they secure pensions of $50 a month apiece. I have discovered that a number of the bills which have been introduced reveal conditions something similar to those indicated by the Senator, namely, the soldiers claim that they were on their way home or on their way back again to the service after a furlough, or they were on their way to the hospital, and then their company moved and they could not find it. A thousand excuses are furnished now, three score years after the desertion, when, perhaps, it is difficult to ascertain all the facts. Those excuses are presented and it is urged that such soldiers be given a status which will entitle them to a pension of $50 a month.

Mr. BINGHAM. Mr. President, the War Department assures us that the soldier served his first three years during the period from 1861 to 1864 without any question at all; that the so-called desertion occurred in the last few months of the war and was due to his being detained in a hospital.

Mr. KING. I will withdraw the objection.

Mr. BINGHAM. I thank the Senator.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws James H. Kelly, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of that regiment on the 6th day of June, 1864, but no back pay, bounty, pension, or allowance shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVIS CONSTRUCTION CO.

Mr. MOSES. Mr. President, I was absent from the Chamber a few moments ago, answering a telephone call, when Order of Business No. 37, being the bill (S. 124) for the relief of the Davis Construction Co., was reached and was passed over. I ask unanimous consent that we may recur to that bill.

The VICE PRESIDENT. The bill was passed over without prejudice. It may be called up now.

Mr. MOSES. It will be found, Mr. President, that this is a bill which has twice passed the Senate. I ask that it may be put upon its passage now.

Mr. KING. Will the Senator make an explanation of it?

Mr. MOSES. The bill grew out of a situation which arose during the period of the World War on account of the difficulty of securing building material. The contractor who built the post-office equipment shops in Washington was unable to fulfill his contract because of the difficulty in securing certain building material. This is a bill to reimburse him for the penalties then inflicted. It has twice passed the Senate, I will say to the Senator from Utah, and I think he and I had a similar colloquy in the Sixty-eighth Congress with reference to it.

Mr. ROBINSON of Arkansas. Do I understand the Senator to say that the bill has been considered heretofore?

Mr. MOSES. Yes.

Mr. ROBINSON of Arkansas. And that it has been passed by the Senate?

Mr. MOSES. It has twice been passed by the Senate.

Mr. ROBINSON of Arkansas. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed, under such regulations as he may prescribe, to receive fully itemized and verified claims and reimburse the Davis Construction Co., contractor for the Post Office Department Equipment Shops Building, erected at Fifth and W Streets NE., Washington, D. C., under the supervision of the Postmaster General, for losses due directly to increased costs due either, first, to increased cost of labor and materials, or, second, to delay on account of the action of the United States priority board or other governmental activities, or, third, to commandeering by the United States Government of plants or materials shown to the Secretary of the Treasury to have been sustained by it in the fulfillment of such contract by reason of war conditions alone. And the Secretary of the Treasury is hereby directed to submit from time to time estimates for appropriations to carry out the provisions of this act: *Provided*, That no claim for such reimbursement shall be paid unless filed with the Treasury Department within three months after the passage of this act: *And provided further*, That in no case shall the contractor be reimbursed to an extent greater than is sufficient to cover its actual increased cost in fulfilling its contract, exclusive of any and all profits to such contractor: *And provided further*, That the Secretary of the Treasury shall report to Congress at the beginning of each session thereof the amount of each expenditure and the facts on which the same is based.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1824) for the relief of R. E. Swartz, W. J. Collier, and others was announced as next in order.

Mr. SHEPPARD. That bill may go over for the present.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES WALL

The bill (S. 2083) for the relief of Charles Wall was announced as next in order.

Mr. KING. I ask that that bill may go over.

The VICE PRESIDENT. It will be passed over.

Mr. SHORTRIDGE. Mr. President, I hope my friend from Utah will not object to the immediate consideration of this bill. I deem it a very meritorious case. As the Senator will find, the report sets forth the facts which must appeal to us all. It does not ask for any appropriation for any back pay or allowances. The amendment to the bill provides—

that no back pay, allowances, or emoluments shall become due because of the passage of this act.

Directing attention to the report (S. Rept. No. 58) it will be observed that Charles Wall rendered great and valiant service to our country. The result of that patriotic service was a total disability.

Turning to page 2 of the report, I read from a letter signed by the then Secretary of the Navy, Josephus Daniels, in which he says:

SIR: The President of the United States takes pleasure in presenting the Navy cross to Lieut. Commander Charles Wall, United States Naval Reserve Force, for services during the World War, as set forth in the following citation:

"For distinguished service in the line of his profession in action with a German submarine on July 5, 1918, when in command of the U. S. S. *Lake Bridge*."

By reason of his disability he was relieved from duty. In 1921 he was authorized to appear before a board of medical survey, which reported him to be incapacitated for service by reason of disability incurred in line of duty. Prior to that time, however, his enrollment had expired. In June, 1922, he was authorized to be reenrolled, in order that he might be entitled to the benefits of retirement if found incapacitated for service by physical disability incurred in line of duty.

He was then found to be permanently incapacitated for active service by reason of disability incurred in line of duty. Mr. President, I think we should pass this bill.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I have consistently objected to such bills for this reason: In the first place, this worthy man is getting the

same compensation as other persons receive who have incurred similar injuries from their service to their country. The fact is that during the war there are a number of persons who were introduced into the service who did valiant work and became officers who insist upon having the same privilege and the same status as Regular Army and Navy officers. We have thrashed that out repeatedly, and I have opposed legislation of that kind because I think it is injudicious, unwise, and unjust.

If it were necessary to put this man upon the retired list in order that he might receive compensation for his injuries a different question would be presented; but he is getting now all of the compensation that any man in the service during the World War has received for like injuries. I am unwilling to make fish of one and fowl of another or to yield in this case, because it would be violating the precedent which has been set. The Naval Affairs Committee, as the Senator will recall, reported a bill, which was on the statute books for a year, under which a number of temporary naval officers received retirement privileges, but that measure was discovered to be so unfair and so unjust that it was repealed. The Military Affairs Committee, against the protest of the Senator from New York [Mr. WADSWORTH] and the Senator from Wisconsin [Mr. LENROOT] and other able members of the committee twice reported a similar bill which, I regret to say, passed the Senate, but they never have passed the body at the other end of the Capitol. This is in line with that legislation, and so I shall feel constrained to object. It is a matter of principle, and not any hostility whatever to the man whom the Senator so ably represents here, because doubtless he has received injuries, and he is getting compensation. So I insist upon my objection.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SHORTRIDGE. Mr. President, I recognize the fact that under the rule the Senator of course may, as he does, object. Hereafter, however, I may take occasion to express my views in regard to this type of legislation.

JOHN CRONIN

The bill (S. 2085) to correct the naval record of John Cronin was announced as next in order.

Mr. KING. Mr. President, will the Senator explain that bill before I object?

Mr. SHORTRIDGE. Mr. President, the committee reports this bill favorably. The Senator will find that the report is somewhat elaborate, and yet, in a sense, brief. The proviso is that no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

This bill proposes to grant to John Cronin an honorable discharge from the United States Navy, and thereby to relieve him of the disabilities carried by the dishonorable discharge now standing against his name and record. The facts in this case are set forth in the report.

Mr. KING. Mr. President, will the Senator permit me to interrupt him?

Mr. SHORTRIDGE. Yes.

Mr. KING. I find no report here from the Navy Department. Here is a man who was court-martialed and dishonorably discharged; and it does seem to me that we ought to have a report from the Navy Department.

Mr. SHORTRIDGE. As I anticipate an objection, I shall not take up the time of the Senate; but I happen to know that this is a case which I think must appeal to us all as being meritorious. If there ever was a case where a man should be relieved from a record of this kind, this is that case.

Mr. KING. I shall have to object.

The PRESIDENT pro tempore. The bill will be passed over.

BENJAMIN F. SPATES

The bill (S. 1767) for the relief of Benjamin F. Spates was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "some of," to strike out "$2,000" and insert "$1,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government performing labor at the Capitol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. C. ERICSSON

The bill (S. 1456) authorizing the Court of Claims of the United States to hear and determine the claim of H. C. Ericsson was announced as next in order.

Mr. KING. Mr. President, I ask the Senator from Colorado [Mr. MEANS] whether, under the action of his committee and the Committee on the Judiciary, this bill ought not to be withheld until that committee reports?

Mr. MEANS. Mr. President, all I can say in answer to that is that if we hold it up until we have a meeting of the two subcommittees and determine it we are really tying the hands of the Committee on Claims. We might just as well cease meeting, because we have so many of these matters, unless there is immediate action.

Mr. KING. The Senator knows that the committee has been at work.

Mr. MEANS. Oh, yes; I understand that the committee has determined to go into that matter; but I will say that if we are to stop all of these bills there will not be any passed at this session, because I do not think our subcommittee can agree when they get together, on some kind of a definite program.

Mr. KING. I think we ought to afford them an opportunity, and I shall object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be passed over.

BILL PASSED OVER

The bill (S. 575) to amend section 4 of the interstate commerce act was announced as next in order.

Mr. WILLIS (and other Senators). Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CLARA E. NICHOLS

The bill (S. 2096) to extend the benefits of the United States employees' compensation act of September 7, 1916, to Clara E. Nichols was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Clara E. Nichols, a former employee of the education and recreation division, Adjutant General's office, War Department, Los Angeles, Calif., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND CONCURRENT RESOLUTION PASSED OVER

The bill (S. 2526) to extend the time for the refunding of taxes erroneously collected from certain estates was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals was announced as next in order.

SEVERAL SENATORS. Let that go over.

Mr. HEFLIN. Mr. President, I have no desire to take up time that Senators wish to use in getting action upon unobjected bills. I wish to give notice, however, that at 2 o'clock I shall make a motion to take up this measure for consideration.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2336) to reimburse Commander Walter H. Allen, civil engineer, United States Navy, for losses sustained while carrying out his duties was announced as next in order.

The PRESIDENT pro tempore. This bill is reported adversely.

Mr. KING. I move that it be indefinitely postponed.

Mr. JONES of Washington. Mr. President, I do not know who was interested in having that bill go on the calendar. Usually when bills are reported adversely we indefinitely postpone them. There must be some Senator who is interested in this bill, and I suggest, therefore, that the Senator let the bill go over.

Mr. KING. Let it go over, then.

The PRESIDENT pro tempore. The bill will be passed over.

EMPLOYEES OF BUREAU OF PRINTING AND ENGRAVING

The bill (S. 2173) for the relief of employees of the Bureau of Printing and Engraving who were removed by Executive order of the President dated March 31, 1922, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the employees who were removed from the Bureau of Engraving and Printing by Executive order of the President dated March 31, 1922, the salaries they were receiving at the time of their removal until the date of their restoration to their former positions in the Bureau of Engraving and Printing, less any earnings they may have made by other employment during that time.

That the legal heirs of those who died after their removal shall receive a sum equivalent to their salaries from the time of their removal to the date of their death, less amount of earnings during that time.

That to those who were not restored to their employment a salary shall be paid equivalent to the one they were receiving at the date of their discharge by Executive order up to the 31st day of March, 1924, less any earnings they may have had by reason of other employment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROCK CREEK AND POTOMAC PARKWAY COMMISSION

The bill (H. R. 4785) to enable the Rock Creek and Potomac Parkway Commission to complete the acquisition of the land authorized to be acquired by the public buildings appropriation act, approved March 4, 1913, for the connecting parkway between Rock Creek Park, the Zoological Park, and Potomac Park was announced as next in order.

Mr. JONES of Washington. Mr. President, I understood that that bill was to go back to the committee. I believe the Senator from Kansas expects to make a motion to that effect.

Mr. CAPPER. Mr. President, I move that this bill be recommitted to the Committee on the District of Columbia. I am making this motion at the suggestion of the Senator from Colorado [Mr. PHIPPS], the chairman of the subcommittee of the Committee on Appropriations on the District bill, who wishes further opportunity to discuss the bill with the District Committee.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 1544) to amend section 202 of the act of Congress approved March 4, 1923, known as the agricultural credits act of 1923, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DEATH OR INJURY WITHIN PLACES UNDER JURISDICTION OF THE UNITED STATES

The bill (S. 1040) concerning actions on account of death or personal injury within places under the exclusive jurisdiction of the United States was announced as next in order.

Mr. JONES of Washington. Mr. President, I do not know whether that is the matter over which we have been having considerable controversy or not.

The PRESIDENT pro tempore. Does the Senator refer to the bill relative to the taking of testimony? This is quite a different measure.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That in the case of the death of any person by the neglect or wrongful act of another within a national park or other place subject to the exclusive jurisdiction of the United States, within the exterior boundaries of any State such right of action shall exist as though the place were under the jurisdiction of the State within whose exterior boundaries such place may be; and in any action brought to recover on account of injuries sustained in any such place the rights of the parties shall be governed by the laws of the State within the exterior boundaries of which it may be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1885) for the relief of James Minon was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

HARRY P. CREEKMORE

The bill (S. 2178) for the relief of Harry P. Creekmore was announced as next in order.

Mr. KING. Mr. President, I will listen to an explanation of this bill by the Senator from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. President, I hope there will be no objection to the passage of this bill. Mr. Creekmore enlisted at the beginning of the so-called Spanish-American War, and saw active service in Cuba. After the active service there was over he deserted from the Navy and enlisted in the Army, and went to the Philippine Islands, and served two years. He was hunting up a war and found it. Then he tried to enlist in the last war.

I can not think that anybody would have any objection to this bill. This man has gotten into every war that he could get into and stayed as long as the fighting lasted.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Harry P. Creekmore shall hereafter be held and considered to have been honorably discharged from the service of the United States Marine Corps June 25, 1899: *Provided*, That no back pay, pension, or allowances shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 7348) for the relief of Joseph F. Becker was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1859) for the relief of Patrick C. Wilkes, alias Clebourn P. Wilkes, was announced as next in order.

Mr. KING. Let that go over.

Mr. HARRIS. Mr. President, do I understand that there is objection to the consideration of this bill?

Mr. KING. Yes; I made an objection.

The PRESIDENT pro tempore. The bill will be passed over.

BOARD OF PUBLIC WELFARE

The bill (S. 1430) to establish a board of public welfare in and for the District of Columbia to determine its functions and for other purposes was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, this seems to be a very important measure. I notice that the bill is quite a lengthy one, and I think there should be some discussion and consideration of the measure. I should like to hear the Senator from Kansas explain the bill.

The PRESIDENT pro tempore. Does the Senator from Arkansas wish it to go over?

Mr. ROBINSON of Arkansas. No; I have not asked that it go over. I have asked for an explanation of it.

Mr. CAPPER. Mr. President, this is an important measure. The report covers it very fully. The bill is the result of more than two years' work upon the part of a commission of representative citizens appointed by the District Commissioners, known as the Public Welfare Commission. This commission has worked out a program to consolidate and coordinate the various welfare agencies of the District of Columbia. It has combined the three boards in one. The three boards are the Board of Charities, the Board of Children's Guardians, and the Board of Trustees of the National Training School for Girls. They are consolidated into one board, serving without pay. The plan is in line with the most approved methods employed in all the large cities of the country. The bill had very careful consideration by the Committee on the District of Columbia. It is undoubtedly a meritorious measure.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. CAPPER. I do.

Mr. KING. May I ask the Senator from Kansas whether the objections which the Senator from Rhode Island [Mr. GERRY] had to the measure were abated?

Mr. CAPPER. I believe they were. They had very careful consideration. The chairman of the Public Welfare Commission, Justice Siddons, was in conference with the Senator from Rhode Island for a week or more on the objections raised by the Senator, and amendments are suggested in this report which I think are quite satisfactory to the Senator from Rhode Island.

Mr. KING. The Senator will recall that the Senator from Rhode Island desired to change entirely the mechanical parts—if I may use that expression—of the bill, and to commit the

duty of enforcing it to an entirely different organization from that contemplated. I was wondering if he was satisfied with this bill.

Mr. CAPPER. The amendments as reported do not go as far as the Senator from Rhode Island contemplated, in my judgment; but I think the changes found in the proposed amendments are in the main satisfactory to the Senator from Rhode Island.

Mr. KING. May I ask the Senator whether this bill—and I have not given it the attention which I should have done, because of the press of other work—imposes any additional burden upon the Government or upon the District?

Mr. CAPPER. It does not. In my opinion, it will reduce the cost of administering the welfare activities of the District of Columbia. It does not increase the pay roll of the District of Columbia at all.

Mr. KING. Mr. President, I shall not object, because this bill has so many meritorious features; but there is one matter which I think the Committee on the District of Columbia should take up immediately. I am told that there are more than 4,000 children in the District of Columbia who are under surveillance or control or who have been disposed of by the Board of Children's Guardians and the juvenile court. I saw in the paper the other day that a mother was arrested because she had sought an opportunity to visit one of her children who had been disposed of, and numerous complaints have come to me—perhaps hundreds—during the past two or three years, of injustices, as alleged, by the juvenile court and by the Board of Children's Guardians, in sending little children to places which have been found or finding homes for them, separating them from their families because of some little indiscretion or some little infantile trick which they had played.

I believe a great injustice is being done, not only in Washington but throughout the country, by many of the juvenile courts, by boards of children's guardians, and by many of the social welfare workers. They are railroading into the courts and into industrial homes and elsewhere many children who should not be sent there. I shall ask the committee immediately to consider what should have been considered in connection with this bill, the question of limiting the powers of the juvenile court and the Board of Children's Guardians in dealing with the multitude of cases to which I have referred.

Mr. CAPPER. I think the matter mentioned by the Senator from Utah is important, and I will be glad to cooperate with him, as a member of the committee, in considering it.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Florida?

Mr. CAPPER. I yield.

Mr. FLETCHER. I would like to inquire if the Senator's view *is that this* will consolidate activities which are already provided for, and for which we have been making appropriations, into one organization?

Mr. CAPPER. That is the purpose of the bill.

Mr. FLETCHER. The body is to be composed of nine members, and they are to serve without pay?

Mr. CAPPER. That is correct.

Mr. FLETCHER. Will they be authorized to engage a lot of employees, assistants, and that sort of thing, and add to the present expenditures, or will there be economies effected?

Mr. CAPPER. Undoubtedly this is a plan in the interest of economy and more efficient administration of the welfare activities of the city. I might add that the bill has the hearty approval of the District commissioners, and I think of *every welfare society and civic* association in the city of Washington. There has been no measure brought before the Committee on the District of Columbia that has been so generally approved as has this one.

Mr. FLETCHER. I seems to me a very good measure.

Mr. CAPPER. Undoubtedly it is.

The PRESIDENT pro tempore. The amendments proposed by the committee will be reported.

The amendments of the committee were, on page 4, lines 20 and 21, strike out the words "Home and Training School for the Feeble-Minded" and in lieu thereof insert the words "District Training School"; on page 7, line 10, after "(a)," to strike out down to and including the period in line 12, so that "(a)" will read:

The board may make temporary provision for the care of children pending investigation of their status.

On page 7, line 24, strike out the words "or last surviving parent"; on page 7, line 25, insert, after the word "children," the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 6, after the word "parents," to strike out the period, insert a colon and the words:

Provided, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case.

On page 9, line 9, to strike out the words "and after its passage" and the period and in lieu thereof insert the words and figures "and after July 1, 1926," so as to make the bill read:

Be it enacted, etc., That the Board of Charities of the District of Columbia, created by act of Congress June 6, 1900, the Board of Children's Guardians of the District of Columbia, created by act of Congress July 26, 1892, the board of trustees of the National Training School for Girls, created under the name of the Reform School for Girls, by act of Congress July 9, 1888, shall be abolished upon the appointment and organization of the board of public welfare, as hereinafter provided.

SEC. 2. That there is hereby created in and for the District of Columbia a board of public welfare, hereinafter called the board, which shall be the legal successor to the boards specified in section 1, and shall succeed to all of the powers, authority, and property and to all the duties and obligations heretofore vested in or imposed by law upon such boards. All employees of the boards specified in section 1 shall become the employees of the board for such time as their services may be deemed necessary, and the unexpended balance of all appropriations heretofore made for such boards, or to be disbursed by them, shall become available for the use and disbursement of the board.

SEC. 3. That the board shall consist of nine members who shall be appointed by the Commissioners of the District of Columbia for terms of six years: *Provided*, That the first appointments made under this act shall be for the following terms: Three persons shall be appointed for terms of two years; three persons shall be appointed for terms of four years; and three persons shall be appointed for terms of six years. Thereafter all appointments shall be for six years. No person shall be eligible for membership on the board who has not been a legal resident of the District of Columbia for at least three years. Any member of such board may be removed at any time for cause by the Commissioners of the District of Columbia. Appointments to the board shall be made without discrimination as to sex, color, religion, or political affiliation. The members of the board shall serve without compensation.

SEC. 4. That within 10 days after the appointment of its members the board shall meet and elect a chairman, vice chairman, and secretary, who shall severally discharge the duties usual to such offices and shall serve for terms of one year or until their successors are elected. The board shall hold not less than nine regular monthly meetings during each year. Special meetings may be held upon the call of the chairman, or, if he be absent or incapacitated, upon the call of the vice chairman, and also upon the call, in writing, of not less than three members. The board shall have authority to make all necessary rules, regulations, and administrative orders governing the organization of its work and the discharge of its duties as will promote efficiency of service and economy of operation.

SEC. 5. That the Commissioners of the District of Columbia, upon the nomination of the board, are hereby authorized to appoint a director of public welfare, which position is hereby authorized and created, who shall be the chief executive officer of the board and shall be charged, subject to its general supervision, with the executive and administrative duties provided for in this act. The director shall be a person of such training, experience, and capacity as will especially qualify him or her to discharge the duties of the office. The director of public welfare may be discharged by the Commissioners of the District of Columbia upon recommendation of the board. All other employees of the board shall be appointed and discharged in like manner as in the case of the director. The director of public welfare and other necessary employees shall receive compensation in accordance with the rates established by the classification act of 1923.

SEC. 6. That the board shall have complete and exclusive control and management of the following institutions of the District of Columbia: (a) The workhouse at Occoquan, in the State of Virginia; (b) the reformatory at Lorton, in the State of Virginia; (c) the Washington Asylum and Jail; (d) the National Training School for Girls, in the District of Columbia, and at Muirkirk, in the State of Maryland; (e) the Gallinger Municipal Hospital; (f) the Tuberculosis Hospital; (g) the Home for the Aged and Infirm; (h) the Municipal Lodging House; (i) the Industrial Home School; (j) the Industrial Home School for Colored Children; (k) the District Training School, in Anne Arundel County, in the State of Maryland.

SEC. 7. That the superintendents and all other employees now engaged in the operation of the institutions enumerated in section 6 shall

hereafter be subject to the supervision of the board. Each superintendent shall have the management and control of the institution to which he is appointed and shall be subordinate to the director of public welfare. The superintendent and all other employees of each of the institutions enumerated in section 6 shall be appointed by the Commissioners of the District of Columbia upon nomination by the board and shall be subject to discharge by the commissioners upon recommendation of the board.

SEC. 8. That the unexpended balance of all appropriations heretofore made for the institutions enumerated in section 6 shall be available for their use after the passage of this act in like manner as before, under the direction of the board.

SEC. 9. That it shall be the duty of the board to make such rules and regulations relating to the admission of persons to, and the administration of, the institutions hereinbefore referred to, as will promote discipline and good conduct of inmates and employees and efficiency and economy in the operation of these institutions. Under the authority herein granted, the board may prescribe forms of record keeping to secure accuracy and completeness in the registration of persons under care and the services rendered in their behalf. The board may recommend to the Comptroller General of the United States, and the Comptroller General may prescribe, so far as practicable, a uniform system of accounts to record receipts and disbursements and to determine comparative costs of operation.

SEC. 10. That the following powers and duties heretofore imposed by law upon the board of charities shall be vested in the board, and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) To provide for the transportation to their respective places of residence or nonresident indigent persons, and to provide for indigent persons, who are legal residents of the District of Columbia, medical care and treatment when necessary, under contracts with such hospitals as are or may be designated by law; (b) to provide for the transportation to their respective places of residence, of nonresident insane persons and to afford hospital care for indigent insane persons who are legal residents of the District of Columbia in such hospital or hospitals as are or may be designated by law; (c) to provide for the maintenance of boys committed by the courts of the District of Columbia to the National Training School for Boys under contracts which are or may be authorized by law; (d) to provide for all other aged, infirm, or needy persons, including women and children, in the manner heretofore authorized by law or by appropriations enacted by the Congress.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Charities and such powers and duties are hereby vested in the board.

SEC. 11. That the following powers and duties heretofore imposed by law upon the Board of Children's Guardians shall be vested in the board and the unexpended balance of all appropriations made for the purpose of discharging such powers and duties shall become available to the board: (a) The board may make temporary provision for the care of children pending investigation of their status; (b) to have the care and legal guardianship of children who may be committed by courts of competent jurisdiction and to make such provision for their care and maintenance, either temporarily or permanently, in private homes or in public or private institutions, as the welfare of the child may require. The board shall cause all of its wards placed out under care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or institutions shall be in control of persons of like faith with the parents of such children: *Provided*, That whenever the board shall for any reason place the child with any organiaztion, institution, or individual, other than of the same religious faith as that of the parents of the child, the board shall set forth the reason of such action in the record of the case; (c) to provide care and maintenance for feeble-minded children who may be received upon application or upon court commitment, in institutions equipped to receive them, within or without the District of Columbia.

The foregoing enumeration shall not be in derogation of any further powers or duties now vested by law in the Board of Children's Guardians, and such powers and duties are hereby vested in the board.

SEC. 12. That the duties heretofore imposed by law upon the board of trustees of the National Training School for Girls concerning the admission, care, parole, and discharge of inmates shall be vested in the board.

SEC. 13. That it shall be the duty of the board to prepare and submit to the Commissioners of the District of Columbia, in such manner as they shall require, an annual budget itemizing the appropriations necessary to the proper discharge of the duties imposed by law upon the board and for the support and maintenance of the institutions under its management. The board shall also submit to the commissioners an annual report of its activities and the work carried on under its direction, together with its recommendations for securing more efficient and humane care for all persons in need of public assistance. The board shall study from time to time the social and environmental conditions of the District of Columbia and shall incorporate in its reports the results thereof and recommendations designed to further safeguard the interests and well-being of the children of the District of Columbia and to diminish and ameliorate poverty and disease and to lessen crime. Except in the placement of children in institutions under the public control, the board shall place them in institutions or homes of the same religious faith as the parents: *Provided*, That whenever the board shall for any reason place the child with any organization, institution, or individual other than of the same religious faith as that of the parents of the child, the board shall set forth the reason for such action in the record of the case. Inmates of public institutions shall be given the fullest opportunity for the practice of their religion.

SEC. 14. The provisions of this act shall take effect on and after July 1, 1926.

SEC. 15. All acts or parts of acts inconsistent herewith are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 2849) to provide for an additional Federal district for North Carolina was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1929) to provide home care for dependent children in the District of Columbia was announced as next in order.

Mr. BAYARD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2607) for the purpose of more effectively meeting the obligations of the existing migratory bird treaty with Great Britain by the establishment of migratory bird refuges to furnish in perpetuity homes for migratory birds, the provision of funds for establishing such area, and the furnishing of adequate protection of migratory birds, for the establishment of public shooting grounds to preserve the American system of free shooting, and for other purposes, was announced as next in order.

Mr. KING. Let that go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3031) for the relief of George Barrett, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1459) for the relief of Waller V. Gibson was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

JAMES A. HUGHES

The bill (H. R. 4576) for the relief of James A. Hughes was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. Mr. President, I hope the Senator from Utah will withhold his objection for a moment. This bill has passed the House. It relates to a man who became insane. He served in the Army for a great many years, I think for a period of about seven years, when he suddenly deserted. It was found afterwards that he was insane, and he was committed to the Matteawan State Hospital, in New York. I think the bill is a very worthy one. It is for the purpose of correcting this man's record, and I hope there will be no objection to it passage.

Mr. KING. If this man had not deserted, would he have been getting a pension, and if so, under what law?

Mr. COPELAND. I do not think he would have received a pension.

Mr. KING. Undoubtedly the purpose of this bill is to grant a pension.

Mr. COPELAND. Oh, no.

Mr. KING. It reads, "No pay, pension, or allowance shall be held to have accrued prior to the passage of this act." He came into the Army only in 1910.

Mr. COPELAND. He served his full time of three years, then he reenlisted, was assigned to the arsenal at Watervliet, and he deserted after having served three years of his second enlistment. Then it was that he was brought before examiners and committed to the Matteawan State Hospital. So his desertion was a thing which was beyond his control, because he was non compos.

Mr. KING. It is merely for the purpose of removing the stigma of desertion?

Mr. COPELAND. That is all.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James A. Hughes, One hundred and sixty-seventh Company, Coast Artillery Corps, shall hereafter be held and considered to have been honorably discharged from the military service of said company: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOMB OF THE UNKNOWN SOLDIER

The joint resolution (S. J. Res. 51) providing for the completion of the Tomb of the Unknown Soldier in the Arlington National Cemetery was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to complete the Tomb of the Unknown Soldier in the Arlington National Cemetery by the erection thereon of a suitable monument, together with such inclosure as may be deemed necessary, and a sum not to exceed $50,000 is hereby authorized to be appropriated for this purpose.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

USE OF TEMPORARY BUILDINGS BY RED CROSS

The joint resolution (S. J. Res. 55) to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172 in Washington, D. C., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That authority be, and is hereby, given to the central committee of the American National Red Cross to continue the use of such temporary buildings as are now erected upon square No. 172 in the city of Washington for the use of the American Red Cross in connection with its work in cooperation with the Government of the United States until such time as hereafter may be designated by Congress: *Provided*, That the United States shall be put to no expense of any kind by reason of the exercise of the authority hereby conferred.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO SURVIVORS OF INDIAN WARS

The bill (H. R. 306) to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended, was announced as next in order.

Mr. KING. Mr. President, I am heartily in favor of this bill, but I understand there is an amendment to be offered broadening it, and I ask that it be temporarily laid aside.

The PRESIDENT pro tempore. The bill will go over.

TOMB OF THE UNKNOWN SOLDIER

Mr. FLETCHER. May I inquire what became of order of business 198 (S. J. Res. 51) relating to the Tomb of the Unknown Soldier?

The PRESIDENT pro tempore. The joint resolution was passed.

Mr. FLETCHER. I did not quite understand what action was taken.

The PRESIDENT pro tempore. Does the Senator wish to move for a reconsideration of the vote by which it was passed?

Mr. FLETCHER. I move for a reconsideration of the vote by which the joint resolution was passed. I can not understand what is needed to complete the monument. It seems to me that as it is now it is ideal.

The PRESIDENT pro tempore. Without objection, the Senate will reconsider the votes by which Senate Joint Resolution 51 was ordered to a third reading and passed.

Mr. WILLIS. Will not the Senator permit the matter to be passed by temporarily without prejudice, in the absence of my colleague?

Mr. FLETCHER. Let it be passed over for the present.

Mr. WILLIS. When my colleague returns we can take up the matter.

Mr. FLETCHER. It seems to me that if we made any change we would be spoiling the monument already there. It is perfect as it is, and now it is proposed to erect a shaft on it.

Mr. KING. Which would mar it and destroy its beauty.

Mr. FESS entered the Chamber.

The PRESIDENT pro tempore. The Chair will state for the benefit of the Senator from Ohio [Mr. FESS] that on motion of the Senator from Florida the votes of the Senate whereby Senate Joint Resolution 51 was ordered to a third reading and passed, was reconsidered, and that measure is now before the Senate.

Mr. FESS. Mr. President, I think every Senator and every Member of the House and every citizen of the United States wants to have the Tomb of the Unknown Soldier completed.

Mr. FLETCHER. What is the matter with it? It seems to me to be complete now.

Mr. FESS. Oh, no.

Mr. FLETCHER. I can not see that anything would be added by putting a shaft on top of it. I think its magnificence and its completeness would be destroyed.

Mr. FESS. I thought it was the general opinion of the country at large, especially as we read it from the dispatches criticizing the way in which we have left it, that there ought to be something done to complete it. It is not in a completed condition. The Commission of Fine Arts is to approve the plan that will be announced by the War Department. The War Department is anxious to have this done. I secured an estimate from the War Department as to the amount of money which would be required to put it in the shape in which they think it ought to be, and the estimate was about $50,000. Of course, it is to be done on the approval of the Fine Arts Commission. The criticism has been very hurtful to the country at large.

Mr. FLETCHER. I do not know what plans originally were designed with reference to this monument, but if it is in an incomplete state that fact is not perceptible to the ordinary layman. I am, of course, the last man to object to doing the right thing with respect to this monument and this grave. It is a holy shrine, and it ought to be preserved and maintained in a dignified, proper way and with proper marking and the proper monument, but it seems to me, just from my own impression about it—and I have been there a number of times—that it is complete as it is, and much more complete and much better without any shaft than with one.

Mr. FESS. The Senator will recall that the President called special attention to the importance of completing this memorial.

Mr. FLETCHER. Will the Senator tell us what he means by completing it? What is to be done? What is contemplated?

Mr. FESS. It has been thought that as it is now, it seems to be more or less a pedestal, unfinished, and that there is something yet to be erected upon it. As it is, it is used frequently by people who come within the vicinity as a place where they eat their lunches. Of course, that complaint could be lodged against the way it is being managed.

Mr. FLETCHER. That could happen to any monument which might be put there.

Mr. FESS. But the criticism in the press of the Capital City here has been very hurtful, to the effect that we seem to entirely neglect our duty in the erection of a proper memorial to the unknown soldier, so symbolic and representative. As I said, the President in his message called the attention of Congress to the necessity of completing the memorial. I took the matter up with the War Department, to see whether they had any plans, so that I could get at the amount of money required, and I have the recommendation of the War Department that $50,000 will take care of it. I again give the Senator the assurance that it will be erected on the approval of the Fine Arts Commission. I know nothing more that we can do.

Mr. FLETCHER. Has the Senator any illustrations of the design or plan?

Mr. FESS. No; none whatever.

Mr. FLETCHER. What is proposed to be done?

Mr. FESS. The Senator will understand that I have no interest whatever in any particular individual doing the work or in any particular model.

Mr. FLETCHER. I understand that. I do not think we ought to spoil a dignified, handsome memorial by trying to make it ornate.

Mr. FESS. I agree with the Senator, and I am sure that the Senator will agree that the War Department and the Fine Arts Commission will not spoil it.

Mr. KING. I am not sure about that.

Mr. FLETCHER. That might be. I would like to have some sort of indication as to what are their plans, what design is to be approved.

Mr. FESS. I can not state that. There has been no authority to select it or to solicit any plan. This is the only method by which we can proceed.

Mr. FLETCHER. But the Senator keeps talking about it as being incomplete. Incomplete in what respect?

Mr. WILLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to his colleague?

Mr. FESS. I yield.

Mr. WILLIS. I have received inquiries by correspondence and personally about the very thing which my colleague has so clearly pointed out. They ask, "Why is it that the monument is left in this incomplete fashion?" They say, "Here is the foundation, but when is the monument going to be completed?"

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the bill will go to the calendar.

CALL OF THE ROLL

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	McKellar	Reed, Pa.
Bayard	Fess	McKinley	Robinson, Ark.
Bingham	Fletcher	McLean	Robinson, Ind.
Blease	Frazier	McMaster	Sackett
Borah	George	McNary	Sheppard
Bratton	Glass	Mayfield	Smith
Brookhart	Goff	Means	Smoot
Broussard	Gooding	Metcalf	Stanfield
Bruce	Hale	Moses	Stephens
Cameron	Harreld	Neely	Swanson
Capper	Harris	Norbeck	Tyson
Caraway	Heflin	Norris	Walsh
Copeland	Howell	Nye	Watson
Couzens	Johnson	Oddie	Weller
Cummins	Jones, Wash.	Overman	Wheeler
Curtis	Kendrick	Pepper	Williams
Deneen	Keyes	Phipps	Willis
Dill	King	Pine	
Edwards	La Follette	Pittman	

Mr. JONES of Washington. I was requested to announce that the Senator from Maine [Mr. FERNALD], the Senator from Minnesota [Mr. SCHALL], and the Senator from Massachusetts [Mr. BUTLER] are detained from the Senate because of illness.

Mr. LA FOLLETTE. The senior Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home on account of illness.

Mr. FLETCHER. I desire to announce that my colleague [Mr. TRAMMELL] is unavoidably absent. I will let this announcement stand for the day.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] is absent on account of illness.

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

MUSCLE SHOALS

Mr. HEFLIN. Mr. President, I move that the Senate proceed to the consideration of the concurrent resolution (H. Con. Res. 4) providing for a joint committee to conduct negotiations for leasing Muscle Shoals.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution (H. Con. Res. 4) reported by Mr. HEFLIN from the Committee on Agriculture and Forestry without amendment, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint committee, to be known as the Joint Committee on Muscle Shoals, is hereby established, to be composed of three members to be appointed by the President of the Senate from the Committee on Agriculture and Forestry and three members to be appointed by the Speaker of the House of Representatives from the Committee on Military Affairs.

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

Said committee shall have leave to report its findings and recommendations, together with a bill or joint resolution for the purpose of carrying them into effect, which bill or joint resolution shall, in the House, have the status that is provided for measures enumerated in clause 56 of Rule XI: *Provided*, That the committee shall report to Congress not later than April 1, 1926.

Passed the House of Representatives January 5, 1926.

Mr. GOODING. Mr. President, I desire to give notice that when the pending concurrent resolution is disposed of I shall ask the Senate to take up for consideration Senate bill 575, known as the long and short haul bill.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I suggest to the Senator from Alabama that I desire to make a point of order against the concurrent resolution which will dispose of it if sustained, and I would prefer to do so at the beginning so as not to delay matters any more than possible. If the Senator will yield to me for that purpose, I will make my point of order now.

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I make the point of order against House Concurrent Resolution No. 4 that it undertakes to amend a permanent statute of the United States, although it is only a concurrent resolution; in other words, it attempts to legislate, which is not possible to be done by means of a concurrent resolution.

In order that the Chair may understand the point fully, I ask his indulgence for a few moments while I call attention to the resolution and existing law. It will be observed that the resolution does not and never has pretended to be anything other than a concurrent resolution. A concurrent resolution does not have to receive the approval or the disapproval of the President of the United States. It is only one degree better than a Senate resolution. We can not enact a law by means of a Senate resolution. We can not enact a law by means of a concurrent resolution. Neither can we repeal a law by a Senate resolution or by a concurrent resolution. As I shall show, the only thing that the concurrent resolution provides for is contained in the following language, with reference to the committee contemplated, which is to be composed of three Members of the House and three Members of the Senate:

The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals, Ala., including the quarry properties at Waco, Ala., for the production of nitrates primarily and incidentally for power purposes, in order to serve national defense, agriculture, and industrial purposes, and upon terms which, so far as possible, shall provide benefits to the Government and to agriculture equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session, except that the lease shall be for a period not to exceed 50 years.

By a concurrent resolution we here fix the duty of the committee to negotiate for a lease of the properties of the United States at Muscle Shoals. The act making further and more effectual provision for the national defense, and for other purposes, an act of Congress approved June 3, 1916, among other things, provided for the building of the dam and all the other governmental activities at Muscle Shoals. No one will controvert that statement. The authority for everything we have done at Muscle Shoals is contained in that act. A part of section 124, on page 57 of the act, reads as follows:

The plant or plants—

Which is just what the committee is going to negotiate about—

provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

That is the law. That is the only law on the subject on the statute books of the United States, a provision specifically providing, in effect, that no lease shall be made, that the plant or plants shall be operated solely by the Government, and shall not be operated in conjunction with any industry or enterprise and shall not be carried on by any private capital.

House Concurrent Resolution No. 4, now before the Senate, violates that law. I concede that the law can be amended, but all of the measures that we have had heretofore about Muscle Shoals were bills or joint resolutions. A joint resolution has the same effect as a bill. When passed it requires the approval of the President of the United States. But the only object of House Concurrent Resolution No. 4 is to authorize and direct a committee to enter into negotiations for the leasing of Muscle Shoals. That is a direct violation of law. It can not legally be done by a concurrent resolution. If it were a joint resolution it would be perfectly proper, because it would then have to receive the approval of the President before it could become a law. In other words, we are undertaking to enact here in effect an amendment to a law of the United States by means of a concurrent resolution.

Mr. SWANSON. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Certainly.

Mr. SWANSON. Am I to understand the Senator to contend that the passage of the concurrent resolution would repeal the act which he read?

Mr. NORRIS. In effect it would.

Mr. SWANSON. I do not think it would do so.

Mr. NORRIS. It would not, of course, because we can not legally do it in that way.

Mr. SWANSON. It seems to me the only effect of the concurrent resolution would be to appoint a joint committee of the Senate and House to conduct negotiations to see what bids they can obtain. After ascertaining the bids that can be obtained, the matter comes back to the House and Senate for action. If the purpose is simply to provide for the appointment of a committee to ascertain the facts and take bids and conduct negotiations and report back to the House and Senate, it ought not to be done by a joint resolution but by a concurrent resolution.

Mr. NORRIS. The law distinctly provides that this property shall not be operated by private parties, not even in conjunction with the Government, while the resolution provides that it shall be.

Mr. SWANSON. No; it does not. The resolution provides that negotiations shall be conducted and a report submitted to Congress.

Mr. NORRIS. Exactly. But making a report has nothing to do with it; that does not affect it in any way. The committee can report, although it is not made compulsory that they shall do so. The resolution says they shall have leave to report.

Mr. SWANSON. Let me ask this question: Could not a committee of the Senate report and recommend the passage of a bill that would be contrary to that act?

Mr. NORRIS. A committee of the Senate could not accept bids for the disposition of governmental property where the law provides that nothing of that kind shall ever be done.

Mr. SWANSON. But a committee could be authorized to conduct negotiations and to report to the Senate, and let Congress change the law. If that had the effect, which the Senator indicates, the effect of finality without further action, it would have to be done by joint resolution, but it seems to me this simply creates a joint committee to ascertain certain things for the Senate, to conduct negotiations and report back to the Senate, and then the Senate, on the information obtained, may act.

Mr. NORRIS. That is not what the concurrent resolution provides. The concurrent resolution reads:

> The committee is authorized and directed to conduct negotiations for a lease of the nitrate and power properties of the United States at Muscle Shoals.

Mr. SWANSON. Mr. President——

Mr. NORRIS. Let me first answer the Senator's question before he asks another one. It is made the duty of the committee to negotiate a lease, and the negotiation of a lease would be a violation of an existing statute of the United States.

Mr. SWANSON. Let me say to the Senator that the resolution does not authorize the committee to make a lease. If we authorized the committee to act, to make a lease, to consummate a lease it would be changing the law; but it is merely proposed to authorize the committee to negotiate and get the facts. A joint committee to report back to Congress may be created by a concurrent resolution.

Mr. NORRIS. If this were a resolution that authorized even a committee of the Senate to look into the question as to what the law is and to recommend whether or not it should be changed or something of that kind, it would be a different proposition; but this resolution provides that the committee shall negotiate a lease, and that would violate the statutes of the United States.

Mr. SWANSON. The resolution provides that the committee shall report back to the Senate.

Mr. NORRIS. The fact that the committee has to report to the Senate makes no difference.

Mr. SWANSON. The lease would have to be consummated afterwards.

Mr. NORRIS. The fact that it has to be approved afterwards does not cure the illegality of it. If the committee can legally negotiate a lease, it can be legally approved.

Mr. CARAWAY. May I ask the Senator from Nebraska a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield.

Mr. CARAWAY. It is not the Senator's understanding of the resolution, is it, that the committee could actually conclude a lease? It could enter into negotiations and ascertain whether or not a satisfactory lease could be entered into, and then Congress could authorize entering into that contract?

Mr. NORRIS. Yes; Congress will pass on the lease. Congress will do that, it is true, under the terms of the resolution.

Mr. CARAWAY. And under the terms of the resolution all the committee would do would be to ascertain whether or not a satisfactory lease could be entered into and report that fact to Congress. If Congress saw fit to accept the lease, then appropriate legislation would follow.

Mr. NORRIS. That is not quite right.

Mr. CARAWAY. That is exactly what it is.

Mr. NORRIS. The Senator from Arkansas does not state it exactly when he says that the committee will see whether or not a lease can be obtained. It is the duty of the committee to negotiate a lease.

Mr. CARAWAY. What does that mean?

Mr. NORRIS. That will mean to do something that the laws of the United States provide shall not be done, and it will remain unlawful until the law is amended or repealed or changed by a statute and not by a concurrent resolution.

Mr. CARAWAY. Does the Senator understand that the word "negotiate" in that connection means to conclude a lease or merely to enter into negotiations looking toward a satisfactory arrangement, which everybody would understand would have to be ratified by an act of Congress?

Mr. NORRIS. It means the conclusion of the negotiations.

Mr. CARAWAY. Oh, no.

Mr. NORRIS. Yes; it does.

Mr. CARAWAY. To negotiate does not mean to conclude a matter.

Mr. NORRIS. Let me explain my view of it. Suppose the resolution did not go any further than the Senator has intimated; that it merely means that the committee shall ascertain whether or not a lease can be made, and then the committee report back and state, "We think a lease can be made." Then Congress would pass on the question as to whether or not the lease could be made.

Mr. CARAWAY. Congress would have to pass a law.

Mr. NORRIS. But it would not have anything to pass on. When the committee comes back here, if the resolution is carried into legal effect, it is going to have a definite lease ready for the approval of Congress; in other words, it will have made a negotiation, it will have drawn a lease with some bidder who is willing to accept the lease, and the committee will report back here for approval. All it will need will be the approval of the Congress to make it legal.

Mr. CARAWAY. Let me ask the Senator a question. Very frequently agents go out to negotiate contracts subject to the approval of their principals?

Mr. NORRIS. Yes.

Mr. CARAWAY. Whoever negotiates a lease will understand that he can only have a lease provided Congress will ratify the act of the committee?

Mr. NORRIS. Yes.

Mr. CARAWAY. The action of the committee is merely the ascertainment of whether or not a suitable lessee may be found.

Mr. NORRIS. No; it is more than that.

Mr. CARAWAY. That is all it is.

Mr. NORRIS. It is the negotiation of a lease itself. Otherwise, there will be nothing for Congress to approve when the committee comes back.

Mr. CARAWAY. Is it the Senator's understanding that "to negotiate" means "to conclude"?

Mr. NORRIS. It will in this case in every respect, except it will have to have the approval of Congress afterwards.

Mr. CARAWAY. Except it will have to have the approval of the principal.

Mr. NORRIS. Yes, sir; but if this resolution shall be passed, and the committee does its duty, it will come back to the Senate and to the other House with a definite lease with some definite person.

Mr. CARAWAY. It will come to the House and the Senate with the proposition which has been negotiated with somebody, and then the Senate and House of Representatives will have to accept or reject it, just as any other agent who goes out to ascertain whether his principal can do business with a certain other individual acts subject to the approval of his principal.

Mr. NORRIS. Yes.

Mr. CARAWAY. There can be no doubt about Congress having power to do that, first appointing a committee for that purpose.

Mr. NORRIS. Ordinarily that would be true; but in this case it is directly in the face of a statute of the United States which provides that they shall not do it. Until we change that law, until the authority that has the right to repeal or modify the law has taken action, that law must be respected.

Mr. CARAWAY. Let me ask the Senator another question. If the Senator's contention be correct, then a law once having

been enacted can never be modified, for nobody can take any action looking to its modification, because it would be against the law.

Mr. NORRIS. Not at all.

Mr. CARAWAY. That is exactly what it amounts to.

Mr. NORRIS. No; not for a moment. The contention of the Senator and those who disagree with me, I think, is that this committee is only to be appointed for the ascertainment of the question whether or not we can get a lease. That is not all there is to it. Under ordinary circumstances, if there were no law to the contrary they could go even further; but, in the first place, we have a statute which says it shall not be done, and, in the next place, the committee is directed by the resolution to go further than to ascertain whether a lease can be made; they are to make one, although every step they may take in that direction will be a violation of law.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. PITTMAN. I think the whole matter involves the legal interpretation of the word "negotiate.' If the word "negotiate" means that they shall perform a legal act, then they have no authority under the concurrent resolution to perform a legal act; but if the definition of the word "negotiate" means that the commission is authorized and directed to "receive and discuss," then it is within the jurisdiction of the two bodies, is it not? In other words, suppose the resolution were amended to read:

The committee is authorized and directed to receive and discuss proposals for relief——

Mr. NORRIS. I would not consider that to be legal. However, that is not before us; the question involved in that suggestion is different from the question which is involved here. The committee is authorized and directed to conduct negotiations for a lease of these properties; and the law says that shall not be done.

Mr. SWANSON. It does not say that there shall not be negotiations.

Mr. ROBINSON of Arkansas. Mr. President, does the law say that Congress shall not legislate upon the subject and shall not obtain information in aid of its right to legislate?

Mr. NORRIS. No.

Mr. ROBINSON of Arkansas. The Congress has not denied itself that right.

Mr. NORRIS. Let me answer the first question before the Senator states another one. We will get along better if I may answer one question at a time. The law does not say that nothing of this kind shall be done; the law is not sacred; I am not claiming that; the law does not say anything of the kind; the law is no more sacred than any other statute; but it is perfectly apparent, it seems to me, that when it is desired to change a law it must be done by authority of the body or bodies or instrumentalities of government that enacted the law, and that includes the President of the United States. The concurrent resolution leaves him out and lacks one step of what would be necessary to make a law.

Mr. ROBINSON of Arkansas. Mr. President, in ruling upon the point of order, the Chair would construe the resolution as a whole. The resolution, as a whole, can not be held to be a legislative act. It does not in any wise modify or repeal the statute referred to by the Senator from Nebraska. It merely authorizes as the agents of the Senate and House a joint committee, which is proposed to be created by the concurrent resolution, to enter into negotiations for the lease of this property, and it requires the joint committee to report back their findings to the Congress for its action. It is perfectly apparent that the proposed joint committee has no function save to receive a bid or bids and report the same to the Senate with its conclusions respecting the subject. The definition of the word "negotiate" is—

To treat with another or others; to arrange for; to bring about by mutual arrangement or discussion.

The mutual discussion of the proposed lease, the receipt of information touching it, the submission of that information to the two Houses of Congress is in aid of the power to legislate, but it is not legislation.

I can prove that, I believe, even to the satisfaction of my good friend from Nebraska by an illustration which is pertinent. Suppose the joint committee shall be created and shall negotiate for a bid or bids, for a lease or leases, and, in compliance with the direction of the resolution, shall report to the House of Representatives and to the Senate, and neither body acts upon its report, is there anyone here will contend that the existing law, whatever it may be, has been in any particular changed?

The matter is so clear to me that it is rather difficult to argue. In order to repeal the law some action must be had, not by one House of Congress, but by both Houses of Congress and by the President, after the committee shall have performed its function.

The primary purpose of the concurrent resolution is to create a joint committee to receive bids. The committee is required to report to the Congress whatever it finds and whatever bids it receives; and there is not a single element of legislation involved in the powers of the committee. The law will not be changed in any particular after the committee has performed its function. No provision of the statute is repealed when this concurrent resolution is agreed to, if it be agreed to.

The purpose of the concurrent resolution is to create a joint committee to act as the agent of the two Houses of Congress to ascertain whether a desirable bid or bids can be made for the leasing of this property; and therefore I think that the point of order is not well taken.

Mr. SWANSON. Mr. President, it seems to me that the very form in which the resolution is written, as a concurrent resolution, ought to be conclusive. A concurrent resolution can not repeal an act of Congress—the very point on which the Senator makes his point of order—and being concurrent it shows that those who drafted it, the House of Representatives, and everybody that supports it, treats this as a joint committee, with no intention or purpose to repeal any act of Congress. The very fact that it is a concurrent resolution, and the language employed, seems to me to be conclusive that it appoints a committee simply to get offers for this plant and to gather such information as it can to report back to the Congress.

Mr. HEFLIN. Mr. President, on December 8, 1826, during the nineteenth Congress, in the Precedents I find this case:

A message from the House of Representatives announced that they have passed the resolution for the appointment of a joint library committee—

Mr. NORRIS. Will the Senator give the page?

Mr. HEFLIN. Page 473—

and have appointed a committee, accordingly, on their part; in which they request the concurrence of the Senate.

The said resolution having been read,

The Vice President (John C. Calhoun) stated to the Senate that he entertained doubts whether the last clause of the seventh section of the first article of the Constitution of the United States and the twenty-fifth rule for conducting business in the Senate do not require that this resolution should be treated in all respects as a subject to be laid before the President of the United States for his approval; and that, with a view to a more correct decision, he would call for the sense of the Senate on the question, "Does this resolution require three readings?"; which was accordingly put and determined in the negative.

(NOTE: In an elaborate report, No. 1335 (54th Cong. 2d sess.), made by Mr. David B. Hill, of New York, on behalf of the Judiciary Committee, he said: "'Whether concurrent resolutions are required to be submitted to the President of the United States' must depend, not upon their mere form, but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise they need not be." In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President to "which the concurrence of the Senate and House of Representatives may be necessary" refers to the necessity occasioned by the requirement of the other provisions of the Constitution, whereby every exercise of "legislative powers" involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, to wit, not involving the exercise of legislative powers, need not be presented to the President.

Mr. President, I simply want to call this thought to the attention of the Chair and of the Senate:

This concurrent resolution does not and can not repeal the present statute referred to by the Senator from Nebraska. It does not undertake to repeal this statute. As the Senator from Arkansas and the Senator from Virginia have said, it simply creates a commission to act for Congress. It does not require the action of the President, his approval or disapproval. This commission goes out, invites bids, and is compelled under this concurrent resolution to report its findings back to the Congress. As the junior Senator from Texas [Mr. MAYFIELD] says, that is all that it can do. It has no authority to lease. It can not accept anybody's bid. It is not certain legislation in the true sense.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from Texas.

Mr. MAYFIELD. I desire to direct the Senator's attention to the wording on page 2, line 6. After the committee has filed its report, findings, and recommendations, in order to carry

those recommendations into effect, a bill or joint resolution must be offered for that purpose.

Mr. HEFLIN. I thank the Senator for his suggestion.

That is the status of this case, Mr. President. After this commission goes out, acting for the Congress, and receives bids, it must under the authority granted by the resolution report those bids back, and then Congress will accept or reject the bids. If Congress does accept any bid, that action will, of course, repeal this statute, and there will be no question about that. It will have to be repealed, or the Senate is going to commit itself to a socialistic program for putting the Government into competition with private enterprise in this country. I repeat, if a bid is accepted and Congress does indorse and approve a lease, that act itself repeals this statute. The concurrent resolution can not do so. It does not attempt to do so.

Now, I want to ask a question of the Senator from Nebraska, who says that this concurrent resolution in effect repeals the statute: Suppose this commission should be appointed, should make its investigation, should not receive a bid, and should not even report back to Congress, would the statute referred to by the Senator be repealed or in any way affected?

Mr. FESS. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. FESS. Suppose that they do report with a recommendation and the House and Senate pay no attention to it?

Mr. HEFLIN. Then the statute would remain unrepealed.

Mr. President, it is perfectly plain to me that this concurrent resolution is in order. It was prepared largely by the minority leader in the House, Mr. GARRETT of Tennessee, who is one of the best parliamentarians in the country, and Mr. SNELL, of New York, and they knew exactly what they were doing. The resolution is in proper form and is in order. It gives no authority to the commission to lease Muscle Shoals. It does not provide for the expenditure of the Government's money. It simply provides for a commission to act for Congress in obtaining bids and reporting them to Congress.

Mr. McKELLAR. Mr. President, I should like to call attention to section 124 of the act of 1916, under which the plant at Muscle Shoals was built:

> The President of the United States is hereby authorized and empowered to make or cause to be made, such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war and useful in the manufacture of fertilizers and other useful products by water power or any other power as in his judgment is the best and cheapest to use; and is also hereby authorized and empowered to designate for the exclusive use of the United States, if in his judgment such means is best and cheapest, such site or sites, upon any navigable or nonnavigable river or rivers or upon the public lands, as in his opinion will be necessary for carrying out the purposes of this act; and is further authorized to construct, maintain, and operate, at or on any site or sites so designated, dams, locks, improvements to navigation, power houses, and other plants and equipment or other means than water power as in his judgment is the best and cheapest, necessary or convenient for the generation of electrical or other power and for the production of nitrates or other products needed for munitions of war and useful in the manufacture of fertilizers and other useful products.

I call attention especially to this:

> The President is authorized to lease, purchase, or acquire, by condemnation, gift, grant, or devise, such lands and rights of way as may be necessary for the construction and operation of such plants, and to take from any lands of the United States or to purchase or acquire by condemnation materials, minerals, and processes, patented or otherwise, necessary for the construction and operation of such plants and for the manufacture of such products.
>
> The products of such plants shall be used by the President for military and naval purposes to the extent that he may deem necessary, and any surplus which he shall determine is not required shall be sold and disposed of by him under such regulations as he may prescribe.
>
> The President is hereby authorized and empowered to employ such officers, agents, or agencies as may in his discretion be necessary to enable him to carry out the purposes herein specified, and to authorize and require such officers, agents, or agencies to perform any and all of the duties imposed upon him by the provisions hereof.
>
> The sum of $20,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the President of the United States to carry out the purposes herein provided for.
>
> The plant or plants provided for under this act shall be constructed and operated solely by the Government and not in conjunction with any other industry or enterprise carried on by private capital.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. McKELLAR. Just one moment.

The President of the United States, under the authority of that act, manifestly would not have the power to make a lease—even to make it and submit it to Congress—such as has been provided here. That is the test. This provides for a lease—what for? To make it the basis of a legislative act.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. I yield.

Mr. CARAWAY. Does the Senator from Tennessee undertake to say that this committee could actually enter into a binding lease under this concurrent resolution?

Mr. McKELLAR. Oh, no; but what it does is to ask for bids on behalf of the Government in contravention of this law, and when those bids are received it reports them back, and they become the basis of further legislation, and this act becomes a part of the proposed legislation. It is all part and parcel of one matter. One is a concurrent resolution, and the other is an act of the legislature. They both ought to be acts of the legislature.

I have no doubt that this act was conceived by those who had forgotten about the original act which created this plant.

Mr. CARAWAY. Mr. President, the President may negotiate a treaty, but it never becomes a treaty until the Senate shall ratify it.

Mr. McKELLAR. Of course not, and he is authorized to negotiate it; but the President is not authorized under this concurrent resolution to negotiate.

Mr. CARAWAY. Nobody is asking him to negotiate; but the Senate and House say: "We wish a joint committee to investigate a subject to see whether or not legislation would be wise." Is it seriously contended by the Senator from Tennessee that that can not be done?

Mr. McKELLAR. This provides the actual terms under which the lease shall be made, namely——

Mr. CARAWAY. No——

Mr. McKELLAR. Oh, yes; the committee is by this resolution confined to a bill that has been before the Congress before, and it can only report a lease that is "equal to or greater than those set forth in H. R. 518, Sixty-eighth Congress, first session."

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I yield.

Mr. CARAWAY. The committee is told that it may go on and ascertain whether or not it can make a lease more favorable than that; and if so, to report that fact back to Congress, and Congress then may by appropriate legislation accept or reject it. If the Senator's position be sound, then there is no power in the Senate or in the House to appoint a committee to study legislation and report its conclusions back to the Senate or the House. This provides only for a report. The committee is not told to make a lease. It can not make a lease. It is told to negotiate and ascertain whether or not a satisfactory lease could be had; and if so, to do what? To make it? No; to report that fact.

Mr. McKELLAR. But, Mr. President, this committee would have no power to make any other kind of lease than the one that is provided for here. It is confined to this particular method of handling the matter. It is confined to this particular method of violating the terms of the act of 1916.

Mr. CARAWAY. Let me ask another question.

Mr. McKELLAR. I am willing to answer the question, but I hope the Senator will not take all my time.

Mr. CARAWAY. The Senator's time has lasted for six years, and I do not think anybody is trying to infringe on it.

Mr. McKELLAR. I hope they never will.

Mr. CARAWAY. Is it the Senator's contention that the Senate could not appoint a committee with limited powers, and tell the committee what it wanted it to find out? Every special committee that is ever appointed has exactly that condition attached to its appointment, that it must ascertain the facts, and this committee is to ascertain whether they can make a better lease than the one mentioned.

Mr. McKELLAR. It is my contention that whenever this report comes in with a lease based upon this resolution, the lease will become a part and parcel of whatever legislation is passed. It is an attempted violation of the law of 1916. This is my view.

M HEFLIN. Mr. President——

Mr. McKELLAR. I yield the floor.

Mr. HEFLIN. I wanted to interrupt the Senator to say this. He read from the statute at some length, telling what the President could do and should do. The President, in the face of that statute, undertook to lease Muscle Shoals in 1921,

through his Secretary of War. Mr. Weeks, the Secretary of War at that time, asked for bids from private citizens. Under the contention of the Senator from Tennessee, he was violating that statute then, because the statute provided that "it shall not be used as a private enterprise," or words to that effect, and they were asking for bids from private parties.

Mr. McKELLAR. Oh, no, Mr. President, just one moment. The Senator does not want——

Mr. HEFLIN. The Senator did not yield to me until he was through, and I want to speak briefly on the resolution.

Mr. McKELLAR. Very well. I will answer the Senator later.

Mr. HEFLIN. The point the Senator from Nebraska has raised is no new thing. The Senator who first raised the point, and who is entitled to the credit for it, is the Senator from South Carolina [Mr. SMITH]. He raised it in the committee on Agriculture when that committee was considering this resolution, and in the face of that point being raised, the committee reported this resolution out by a vote of 11 to 5. There is nothing in the contention of the Senator from Tennessee. This resolution does not carry authority to make a lease. It simply authorizes the committee, as I said before, to act for the Congress. This resolution as it stands has the approval of the President of the United States.

Mr. BLEASE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. HEFLIN. I yield.

Mr. BLEASE. Would the Senator object to striking out, on line 5 of the resolution, the words "shall have leave to," and to insert the words "shall report"? We should not provide that they shall "have leave to," but should provide that they "shall report."

Mr. HEFLIN. I would not object, but I fear that if the resolution is amended, it will not get through at this session of Congress.

Mr. BLEASE. Then I submit that whatever that committee would do would bind, would practically become a law, as the Senator from Nebraska has said, just as if it were submitted to the President and he signed it. As the resolution reads, all the Senate or the House could do would be to approve what the committee did. If we strike out the words I have suggested and provide that they shall report merely, then we will have some discretion in the matter. Otherwise we will not.

Mr. HEFLIN. Will the Senator from South Carolina permit me to make this statement? This committee must report back 30 days from to-day, not later than the 1st of April. Congress will adjourn in probably 10 weeks from now, and we must get action at once or leave the matter up in the air until December. That is why I insist that the resolution pass as it is, without amendment.

Mr. McKELLAR. Just one word. The Senator from Alabama talks about the contract that was entered into by the Secretary of War in 1921 for the steam power at Muscle Shoals. Of course, he had the direct power, under this act, to make such a contract. It provides that the surplus power shall be disposed of by him under such regulations as he may make. Of course, there is nothing in the proposition in the slightest. It does not violate the act in any way.

Mr. NORRIS. Mr. President, I will not detain the Chair long. I want simply to call attention to the fact that nearly every argument made in opposition to the point of order I have raised is that this concurrent resolution will not change any law. Nobody contends that it will. That is the point I make; we can not change law by a concurrent resolution. Yet the thing this committee is instructed by the concurrent resolution to do is a violation of law. The Senator from Alabama undertakes to make some capital by saying that this point of order was made in the committee. I do not understand what other object he would have in making the statement. The Senator from Alabama is entirely mistaken.

Mr. HEFLIN. Oh, no——

Mr. NORRIS. Let me finish. No point of order was ever made in the committee against this resolution by anyone.

Mr. HEFLIN. This point was raised by the Senator from South Carolina, who will bear me out in the statement.

Mr. SMITH. No, Mr. President; I think the Senator from Alabama is mistaken about the point of order being raised. I called attention to the fact that the law as it now stands prohibits interference with, by outside private parties, or participation in any of the business carried on or manufactures or projects down at Muscle Shoals. The point I made before the committee was that as the law now stood it recognized that for which we all had been contending, that this was a project of the Government to produce nitrates for the purpose of defense, and, incidentally, during a stand-by time, in times of peace, for the benefit of agriculture; that we were attempting to reverse the whole course and put the defense of the country, as well as the hope of agriculture, into the hands of a great power monopoly. That is what this resolution is now attempting to do.

Mr. HEFLIN. The Senator from South Carolina has borne out my statement. The hearings will disclose that I am correct. The Senator said the resolution would not be lawful because there was a statute directly against it, and that he was going to call attention to it on the floor of the Senate.

Mr. NORRIS. The Senator is absolutely wrong; although it is quite immaterial. Even if it had happened just as the Senator from Alabama has stated, it would not be material now, unless he wanted to influence the Chair by giving the Chair to understand that the committee had considered this point. I state now that the Senator from South Carolina [Mr. SMITH], who the Senator from Alabama says made the point of order in the committee, never made such a point of order; it never was made; it never was suggested. The law itself was cited by the Senator from South Carolina, showing that it was the intention of Congress, when it provided for the building of this project, that it should be a governmental affair; and Congress was so jealous in regard to it that they expressly stipulated in the law that it should always remain a governmental institution.

I mention that only because I do not want the Chair or the Senate to get the idea that the point of order was ever raised before. It never was.

Mr. SMITH. Mr. President, if the Senator will allow me, as I am the one cited as having called attention to the matter by a point of order, I want to say that I had no such intention before the committee. What I was attempting to show the committee was that we had advanced in the project at Muscle Shoals to the point where we have arrived now, just at the dawn of the possibilities there, and we wanted to reverse an express policy——

Mr. NORRIS. That is the point, exactly.

Mr. SMITH. Which was the basis upon which the whole project was formulated. We had taken the people's money under certain pretenses, and now that we had it were attempting to deceive them by passing another act.

Mr. HEFLIN. Did not the Senator from South Carolina refer to this statute?

Mr. SMITH. I referred to it.

Mr. NORRIS. The statute was read. It appears in the hearings twice.

Mr. HEFLIN. The Senator from South Carolina has agreed with me that the question was raised in the committee.

Mr. NORRIS. The Senator can have that satisfaction. But I say, and the Senator from South Carolina says, and the printed records of the committee will bear us both out, that the point of order was not raised, was never considered in the committee, not for a moment.

Mr. SMITH. We considered simply the policy of the Government.

Mr. NORRIS. Exactly; that and nothing else.

Mr. McKELLAR. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. In reference to the policy of the Government, it just happens that the Senator from Nebraska was in the Senate at the time, and I was a Member of the House, a member of the Military Affairs Committee, and I introduced the original amendment in that committee for the appropriation of $20,000,000, just as it appears in this act. There would have been no possibility of ever getting such a provision through the House if it had been in the remotest way conceived or imagined that the project would ever be turned over to private interests.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. McKELLAR. Certainly.

Mr. CARAWAY. Then why was the Senator for Henry Ford's bill.

Mr. McKELLAR. That was a proposed law which would defeat this law, and for reasons that were then perfectly good I was for it.

Mr. NORRIS. Mr. President, every proposition that has been before the Senate has been in the form of a bill. A joint resolution would have done just as well, I concede. The bill I introduced, the bill presented by the senior Senator from Alabama, which passed the House of Representatives, the bill which passed the House, the original Ford bill—none of them were subject to a point of order of this kind. They all required, before they became effective, the approval of the Presi-

dent of the United States, and the effect would have been to repeal the law, of course, if any of those bills had been enacted, and if we had a joint resolution, instead of a concurrent resolution, the effect would be the same in this case.

We must come back to the proposition that every act this committee is directed to do is a violation of law. Would anybody contend that if this were a Senate resolution, it would not be subject to a point of order? Would anybody say for a moment that if it did not require the approval of the House, it would not be subject to a point of order? Would anybody contend for a moment that if we passed even a concurrent resolution which provided for the appointment of a committee to receive bids, let us say, for the sale of the Capitol of the United States, although there is no express statute that I know of that prohibits its sale, that that would not be subject to a point of order? Would anybody contend for a moment that if we had the concurrent resolution here providing for the sale of a battleship that that would not be subject to a point of order?

If it were passed, would anybody suppose for a moment that good title could be given under it, although we might agree that Congress might afterwards approve it? If the point were made when the concurrent resolution were pending, it would be the duty of the Chair to sustain the point of order. Otherwise, we could proceed to do an illegal thing; we could proceed, in effect, to repeal any statute of the United States by a simple resolution.

It is no answer to say that we have a right to investigate and to look into things through committees to see whether we should not change a law. That is a different proposition, entirely different. If this concurrent resolution provided for a joint committee to look into the Muscle Shoals matter to see whether some law could not be devised, better than the one on the statute books, for its use or its disposal, that would be a different proposition. But this is a concurrent resolution, which directs this committee to go out and enter into negotiations for the purpose of making a lease, which is a direct violation of law. It seems to me there can be no outcome except that this point of order must be sustained.

The VICE PRESIDENT. Before ruling on the point of order the Chair desires to make an inquiry of the Senator from Nebraska. The Chair understands the point of order made by the Senator from Nebraska to be that the concurrent resolution seeks to amend a permanent statute of the United States; in other words, is an attempt to legislate in a manner not possible by means of a concurrent resolution. Is the understanding of the Chair correct?

Mr. NORRIS. That is substantially correct.

The VICE PRESIDENT. The Chair rules that the point of order is not well taken. The question is on agreeing to the concurrent resolution.

Mr. HEFLIN obtained the floor.

Mr. NORRIS. Mr. President, I desire to appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HEFLIN. I make the point of order against the appeal that it comes too late.

The VICE PRESIDENT. The point of order is not well taken.

Mr. FESS. Mr. President, I move that the appeal be laid on the table.

Mr. HEFLIN. I move to lay the appeal on the table.

Mr. NORRIS. Upon that motion I ask for the yeas and nays. If Senators want to take snap judgment, let us have a record vote.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal by the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bayard	Deneen	Heflin	Means
Bingham	Dill	Howell	Metcalf
Blease	Edwards	Johnson	Moses
Bratton	Ernst	Jones, Wash.	Neely
Brookhart	Fess	Kendrick	Norbeck
Broussard	Fletcher	Keyes	Norris
Bruce	Frazier	King	Nye
Cameron	George	La Follette	Oddie
Capper	Glass	McKellar	Overman
Caraway	Goff	McKinley	Pepper
Copeland	Gooding	McLean	Phipps
Couzens	Harreld	McMaster	Pine
Curtis	Harris	Mayfield	Pittman
Reed, Pa.	Smith	Tyson	Wheeler
Robinson, Ark.	Smoot	Wadsworth	Williams
Robinson, Ind.	Stanfield	Walsh	Willis
Sackett	Stephens	Watson	
Sheppard	Swanson	Weller	

The VICE PRESIDENT. Seventy Senators having answered to their names, a quorum is present. The question is upon the motion of the Senator from Ohio [Mr. FESS] to lay on the table the appeal of the Senator from Nebraska [Mr. NORRIS] from the decision of the Chair. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Michigan [Mr. FERRIS]. In his absence I transfer that pair to the Senator from Maine [Mr. HALE], and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I am satisfied, however, that if present he would vote as I intend to vote. I therefore vote. I vote "yea."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. DU PONT], but I am advised that if present he would vote as I intend to vote. I therefore vote "yea." I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. If present, he would vote "yea."

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness. If present, he would vote "yea."

Mr. HARRELD. I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. I understand that if he were present he would vote as I am about to vote. I vote "yea."

Mr. CURTIS. I was requested to announce that the senior Senator from Oregon [Mr. MCNARY] is unavoidably detained from the Chamber.

Mr. JONES of Washington. I desire to announce the following general pairs:

The Senator from Massachusetts [Mr. BUTLER] with the Senator from Louisiana [Mr. RANSDELL];

The Senator from New Jersey [Mr. EDGE] with the Senator from Mississippi [Mr. HARRISON];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES]; and

The Senator from Massachusetts [Mr. GILLETT] with the Senator from Alabama [Mr. UNDERWOOD].

I desire to state that if present each of the following Senators would vote "yea": The senior Senator from Maine [Mr. FERNALD], the senior Senator from Massachusetts [Mr. BUTLER], the junior Senator from Massachusetts [Mr. GILLETT], the junior Senator from Maine [Mr. HALE], the Senator from Minnesota [Mr. SCHALL], and the Senator from Vermont [Mr. GREENE].

Mr. ROBINSON of Arkansas. I desire to announce that if present each of the following Senators would vote "yea": The Senator from Mississippi [Mr. HARRISON], the Senator from North Carolina [Mr. SIMMONS], the Senator from Arizona [Mr. ASHURST], and the Senator from Rhode Island [Mr. GERRY].

I also desire to announce that the Senator from New Mexico [Mr. JONES] is detained from the Senate by illness.

The result was announced—yeas 55, nays 15, as follows:

YEAS—55

Bayard	Fess	McLean	Robinson, Ind.
Bingham	Fletcher	McMaster	Sackett
Bratton	George	Mayfield	Smoot
Broussard	Glass	Means	Stanfield
Bruce	Goff	Metcalf	Stephens
Cameron	Gooding	Moses	Swanson
Capper	Harreld	Oddie	Tyson
Caraway	Harris	Overman	Wadsworth
Copeland	Heflin	Pepper	Walsh
Couzens	Jones, Wash.	Phipps	Watson
Curtis	Kendrick	Pine	Weller
Deneen	Keyes	Pittman	Williams
Edwards	King	Reed, Pa.	Willis
Ernst	McKinley	Robinson, Ark.	

NAYS—15

Blease	Howell	Neely	Sheppard
Brookhart	Johnson	Norbeck	Smith
Dill	La Follette	Norris	Wheeler
Frazier	McKellar	Nye	

NOT VOTING—26

Ashurst	Fernald	Jones, N. Mex.	Shortridge
Borah	Ferris	Lenroot	Simmons
Butler	Gerry	McNary	Trammell
Cummins	Gillett	Ransdell	Underwood
Dale	Greene	Reed, Mo.	Warren
du Pont	Hale	Schall	
Edge	Harrison	Shipstead	

So the Senate laid on the table Mr. NORRIS's appeal from the decision of the Chair.

Mr. HEFLIN. Mr. President, this subject has been before the Senate for a number of years, and if I am not interrupted I will not take very much of the time of the Senate in my opening remarks. I hope to conclude what I have to say at this time in 15 or 20 minutes.

The Muscle Shoals project has been before the Senate since 1920. Muscle Shoals got its name from the Indians. They had such difficulty in making the up-river journey with their boats and dugouts, it required so much muscle power, that they named this point on the river Muscle Shoals. The Government in 1916 selected this site for the purpose of building a dam for manufacturing nitrates in time of war and fertilizer for our farmers in time of peace. When the World War was ended a committee of Representatives from the other House went down and inspected this site and the work that had been done there. That committee came back and actually reported to Congress that the project should be abandoned. It was abandoned temporarily, and for several months there was no work done there. The cofferdams were washing away. The former Secretary of War, Mr. Weeks, finally invited bids. Mr. Henry Ford and other gentlemen submitted bids. We have undertaken for four years and more to lease that property, to dispose of it in a proper way, so that it could be utilized as soon as dam No. 2 should be completed. The Ford offer was accepted by the other House in the McKenzie bill in the Sixty-eighth Congress. The Committee on Agriculture of the Senate acted unfavorably on the Ford offer. There was so much delay in this body with regard to rejecting or accepting the offer of Mr. Ford that he became disgusted with the tactics employed here and withdrew his bid. The whole matter went over, then, until another Congress.

My colleague, the senior Senator from Alabama [Mr. UNDERWOOD] took the Ford bid and embodied a large portion of it in a bill which he introduced. That bill was so amended in this body, it was so mutilated, so disfigured, that it died in the closing hours of Congress. I hope that this concurrent resolution will not meet the fate that bill met. Some Senators succeeded in amending the bill here, I think, for the purpose, in some instances, of making it obnoxious and preventing its final passage; but, at any rate, I know that so many amendments were put upon it that the bill did finally fail and never became a law.

That Congress adjourned, and nothing was done. In 1925, a year ago this month, President Coolidge, seeking to do something with the Muscle Shoals property, appointed a commission of five to go down and inspect Muscle Shoals and to make recommendations as to what should be done with it. That commission returned; three of them signed one report and two signed another. They differed merely in details as to what should be done; but, Mr. President, the commission agreed on two important points. They were that the dam should be leased to private individuals and that it should be provided that whoever obtained the lease should agree to make nitrates for the Government in time of war and fertilizers for the farmers in time of peace.

That commission did not receive any bids; it recommended in the conclusion of its report that Congress should make another attempt to secure bids. The President, in keeping with that idea, has indorsed the pending resolution, which has been adopted by the House; and, Mr. President, I want to remind the Senate that the House, by a vote of 9 to 1, adopted this resolution without amendment.

As I said a little while ago, the Senate Committee on Agriculture, by a vote of 11 to 5, favorably reported that resolution to the Senate without amendment. The Farm Bureau Federation indorse the resolution as it stands; the farmers generally are in favor of it. It is being fought by the Power Trust and the Fertilizer Trust. They do not want this resolution passed. I observe the Senator from South Carolina [Mr. SMITH] and the Senator from Tennessee [Mr. MCKELLAR] are amused at that suggestion.

Mr. SMITH. We are.

Mr. MCKELLAR. We are very greatly amused, I will say to the Senator.

Mr. HEFLIN. Well, the Senators will be more amused before this discussion is over.

Mr. President, the Ford offer which was here for consideration ran counter to the statute the Senator from South Carolina has cited; it ran counter to the same statute cited by the Senator from Tennessee and the one to which the Senator from Nebraska [Mr. NORRIS] has called attention; but these two able Senators from the South supported the Ford bid; they urged its adoption in the Senate. The Senator from South Carolina, along with me and others, signed a minority report in which we eulogized the Ford offer to the skies and stood strongly and unitedly behind it.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. HEFLIN. I yield to the Senator from Nebraska.

Mr. NORRIS. Does the Senator refer to the minority report made from the Agricultural Committee of the Senate?

Mr. HEFLIN. When?

Mr. NORRIS. I refer to the one the Senator from Alabama and the Senator from South Carolina signed.

Mr. HEFLIN. Yes.

Mr. NORRIS. How does the Senator explain his statement of just a few moments ago that the Agricultural Committee acted favorably upon Henry Ford's offer?

Mr. HEFLIN. It rejected all of them except his offer, and we reported that out, I believe, without recommendation.

Mr. NORRIS. No. The Senator has stated that he and the Senator from South Carolina signed a minority report favoring the Ford offer, but he has also stated that the Agricultural Committee reported favorably upon the Ford offer.

Mr. HEFLIN. We made two minority reports, one in 1922 and one in 1924.

Mr. NORRIS. When the Senator from Alabama and the Senator from South Carolina signed the minority report I presume there was a majority report that did not favor the Ford offer.

Mr. HEFLIN. Mr. President, that is immaterial.

Mr. NORRIS. Yes; I think so.

Mr. HEFLIN. Because the bill was brought out and put upon the calendar. I do not remember now whether we reported it without recommendation or otherwise; but anyhow we filed a minority report. The late Senator from North Dakota, Mr. Ladd, who was heartily in favor of the Ford offer, wrote the report. The Senator from South Carolina, the Senator from Louisiana [Mr. RANSDELL], and the Senator from Tennessee are among the three or four on this side who are against the pending resolution.

Mr. SMITH. Six or seven.

Mr. HEFLIN. But we signed the report.

Mr. President, I wish to remind the Senate that when they signed it, in view of the position they have taken here to-day, they were proposing to repeal the statute which has been referred to, and running counter to the solemn act of the Congress of the United States which had the approval of the President. They were for Henry Ford's offer then, but the Senator from Tennessee now says that this is a dangerous thing; that it is a bad thing; and that private enterprise ought not to have Muscle Shoals.

I wish to read to the Senate what the Senator from Tennessee said in the Senate debate upon the Ford offer regarding the matter of turning this great Muscle Shoals power project over to a private individual that he might take it and use it for his own benefit in the main, agreeing to make 40,000 tons of fixed nitrogen for our farmers and nitrates for the Government in time of war. Let us see how my friend from Tennessee has changed his position. Then the Ford offer provided that he should have it for a hundred years. Somebody called attention to the fact in the hearings that Mr. Mayo had stated they did not intend to let a single kilowatt get away from Muscle Shoals; that they would use it all; and yet my friend from Tennessee and my friend from South Carolina and my friend from Louisiana [Mr. RANSDELL] supported the Ford offer; they swallowed it whole. They were for it strong, and here is what my friend from Tennessee said. It is such a strong and clear-ringing statement I want to read it at this point:

> Mr. MCKELLAR. Mr. Ford is the logical man to have this plant. I am now as I have always been since the matter first came up in favor of leasing it to him.

Mr. MCKELLAR. I would be in favor of leasing it to him to-day, if that were the proposal, but what is proposed is to lease it either to the power monopoly or to the fertilizer monopoly, and I am wholly opposed to doing either.

Mr. HEFLIN. Mr. President, the Senator does not know who is going to make a bid for this dam.

Mr. MCKELLAR. But I can make a mighty good guess. It will not be Mr. Ford, but either the Fertilizer Trust or the Power Trust is going to bid on it, because they are principally interested in it.

Mr. HEFLIN. The Power Trust and the Fertilizer Trust are both against this resolution. Their witnesses who appeared before the Agricultural Committee, including, I believe, the

secretary of the National Fertilizer Association here in Washington, opposed it and protested against its passage.

Who has been here supporting it from the Fertilizer Trust? Not a single man; but the farmers' friends have been here. The president of the American Farm Bureau Federation has wired me that he is for this concurrent resolution. His representative here in Washington has been to see me, urging its passage just as it stands. Some Senators seem to have this thing rather mixed up as to whom the trust is for.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield for a question.

Mr. McKELLAR. Perhaps we can keep it from being mixed up. The Senator says that the water-power monopoly is not going to get this plant and the fertilizer monopoly is not going to get it. Will he not be good enough to take us into his confidence and tell us who is going to get it under his concurrent resolution?

Mr. HEFLIN. Mr. President, I do not know; but I do know that under the tactics employed by the Senator from Tennessee and the Senator from Nebraska and just a few others, nobody has gotten it so far, and the water is now practically going to waste.

Mr. McKELLAR. Oh, no.

Mr. HEFLIN. The dam is completed. We have got to do something with it. We ought to act in the name of the American people, and not hold it up any longer because of the suggestion of gentlemen who are on this side to-day and on that side to-morrow.

Mr. McKELLAR. If the Senator will yield, Mr. President, the Senator is mistaken about nobody having it. His good, amiable, public-loving Alabama Power Co. is operating it to-day, all of it—steam plant, water plant, and all—for a mere bagatelle. The Senator is mistaken about that water going to waste. His own Alabama Power Co. has it.

Mr. HEFLIN. Yes; they have it, and they are paying as I understand very little for it. They are operating it until a lease can be had; and under the Senator's position, and that of a few others here, they will continue it in the hands of the Alabama Power Co. until December, getting the use of it, as the Senator says, for a song. Congress wants to act; three-fourths of the House want to act; four-fifths of the Senate want to act; the President wants to act; the farmers want us to act and we ought to act at an early date upon this concurrent resolution.

I want to warn the Senate against the innocent-looking and smooth-appearing amendments that these particular Senators are going to offer. My good friend the smooth artist from Nebraska will come in here with some amendments that will look good, but I urge Senators not to touch them. They are filled with Dead Sea fruit. This concurrent resolution ought to be speedily passed. There are only 30 days from to-day within which this Senate must act, and this commission must receive bids and report them back to Congress.

That is why I am fearful of the final adoption of the resolution if it is amended here and has to go back to the House. Senators, the time is so short.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to my friend.

Mr. MAYFIELD. I should like to ask the Senator if the President's committee appointed to receive bids on this property gave any reason why they received none?

Mr. HEFLIN. They just suggested that they did not receive a satisfactory bid, I believe—I do not remember the exact language—but they wanted the Congress to continue its efforts, and all of them agreed that the plant ought to be leased to private individuals.

There are two courses submitted to us here, Senators. The Senator from Nebraska has always been open and outspoken in his position on the subject. He wants Government ownership and operation, and I do not want either. I want the Government to retain this particular dam, because of the way this project was brought about. We created it for service during the war, and the war is over, and now we must do something with it. I want to use it for the purposes set out in this statute, the purposes that this concurrent resolution provides, and my friend from Tennessee objects to the provision that the bids shall be as good as or better than the Ford bid, which he accepted and swallowed whole-heartedly.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. The Senator says he does not believe in Government ownership of this plant. Did not the Senator vote for the act known as the national defense act of June 3, 1916, which provided for Government ownership, operation, and control of this plant?

Mr. HEFLIN. Yes; I have just said that.

Mr. McKELLAR. When did the Senator change?

Mr. HEFLIN. I said that because of the peculiar way in which we got hold of this particular project; I voted for it and wanted the Government to own it and lease it.

I am not a socialist, however; I am a Democrat. I believe in this Government encouraging individual enterprise and initiative and I do not believe in the Congress drawing this Government into competition with private individuals. Some Senators are not going to say that much, and yet, they are probably going to vote for amendments that the Senator from Nebraska or others will offer which mean the same thing.

I want to warn the Senate against amendments of any kind. The House has done the best it could. It had a difficult task to perform. They have been working with this thing for months and for years. As I said a little while ago, the Senate dilly-dallied with this thing so long that Henry Ford got disgusted and walked away; and as he walked away my friend from Tennessee cried out to him to stop and come back and renew his bid. He wanted to lease this Muscle Shoals dam to a private individual so badly that he wanted Ford to come back and renew his bid, but Henry would not come. [Laughter.]

Mr. McKELLAR. Mr. President——

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. If I recollect aright the facts about my asking Mr. Ford to come back, my recollection is that the distinguished junior senator from Alabama, who is now speaking, wrote out the telegram and came with it signed by himself and asked me to sign it with him, and I did.

Mr. CARAWAY. And Henry Ford paid no attention to either of the Senators.

Mr. McKELLAR. Neither one—absolutely.

Mr. HEFLIN. Mr. President, I just wanted to see how good a recollection the Senator has. Both of us signed the telegram. I wanted Henry Ford to have it. I would not object to seeing him have it now.

Mr. McKELLAR. Nor would I.

Mr. HEFLIN. I am still for a private citizen leasing this plant and operating it; but the Senator has changed his attitude completely, and he is now in favor of the Government holding it, and babying it along and nursing it until at some far-away time in the future we can decide maybe just what we want to do with it.

Mr. President, the world has never moved forward under the lead of such statesmanship as that. You have to point out a way and take a definite stand if you ever get anywhere. Why, the idea of holding this thing up now, after we have dallied and played with it and postponed it and held it back and choked it to death here time and time again! Let the resolution pass as the House passed it and as the Senate Committee on Agriculture reported it to the Senate and as the President desires it passed and as the farmers of the country want it passed and then if the bids are not satisfactory reject them. Is not that a fair and a sound proposition?

Mr. President, Mr. Hooker, a fertilizer manufacturer of New Jersey, notified our committee that he was going to make a bid for the Muscle Shoals Dam. Mr. Hooker testified that he believed he could make fertilizer at half price at Muscle Shoals. Mr. Mayo, Mr. Ford's chief engineer, testified that he thought Mr. Ford could make fertilizer there at half price. The question is, Are we going to consider the farmers' interest in connection with this concurrent resolution, or are we going over to the power side of this question?

The Senator from South Carolina [Mr. SMITH] has a bill before the Committee on Agriculture; the Senator from Tennessee [Mr. McKELLAR] has one; the Senator from Louisiana [Mr. RANSDELL] has one. They are power bills, every one of them.

Mr. SMITH. Not mine.

Mr. HEFLIN. The Senator from Nebraska [Mr. NORRIS] has one, and his is a power bill, and he wants the Muscle Shoals project to be taken over and run by the Government.

Mr. NEELY. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield to the Senator from West Virginia.

Mr. NEELY. Since last Friday I have received 32 or 33 letters urging me to vote for the pending concurrent resolution. All of these letters are typewritten. They are all identical in phraseology. They are all mailed from New York City. I wish to inquire of the Senator if he knows what farmers in New York City are interested in having the concurrent resolution adopted?

Mr. HEFLIN. Mr. President, I submit to the Senator from West Virginia that the people of New York City as citizens of the United States should be interested. They are taxpayers of the United States. When it looked as though Ford was going to get Muscle Shoals many of them went

down there and bought homes and have moved down there. They have gone there from nearly every State in the Union. They have bought farms in that fertile Tennessee valley, and I am glad to have them come; and no doubt these letters are coming from people up there who are interested in Muscle Shoals and vicinity. I see no harm in these people sending their suggestions to my good friend from West Virginia, and I must say that in this particular instance they gave him wholesome advice.

Mr. NEELY. Mr. President, I am not complaining that the people who sent them committed any serious offense by doing it, but I was just wondering if those letters might not have been inspired by the fertilizer or the power trust instead of the farmers throughout the country. As they were written with a typewriter and all of them were phrased in exactly the same way, I became suspicious of them because, really, they are not like the majority of the letters I receive from farmers.

Mr. HEFLIN. Mr. President, I want to say to my good friend from West Virginia that a good many farmers are using typewriters now, and they are keeping up with the records of Senators here much better than they used to. They are going to watch their records when they come to vote on this question. They can tell then just what Senators are desirous of delivering the farmers from dependence upon Chile, a foreign power, for their nitrogen supply. These farmers have a right to be heard. Why, all sorts of propaganda have been going on. I had a telegram from New York saying: "Vote for the lease of Muscle Shoals," signed "Many voters." It did not say who it was from. That was a curious piece of propaganda. I do not know who inspired it, but it was not any friend of this resolution. Other Senators got the same telegram and took it seriously. Either somebody did it as a joke, and just signed "Many voters," or the other side got it up so that the opposition—outside of the Senate, I mean, of course—could say that propaganda was coming in here on that line.

Mr. President, during the war this country was helpless, regarding its potash supply. Potash advanced in price to $500 a ton. If Germany had ever succeeded in cutting off our nitrate supply from Chile, the story of the World War would have been different. We furnished the ammunition in the main after we got into the war, and with our allies we won the war. Nitrogen was a very important thing, the most essential thing, and Chile furnished us our supply.

Where do we get it to-day, Mr. President? We still get our supply from Chile. How much do we pay her in the way of an export tax? Twelve dollars per ton. For every ton shipped into the United States they tax our farmers $12. What do our farmers pay for nitrate of soda now? Doctor Duncan, of my State, a State senator from Limestone County and for a long time connected with the Agricultural and Mechanical College, now called the Polytechnic Institute, of my State, is a large farmer in the Tennessee Valley. He lives not a great distance from Muscle Shoals. He told me he bought his nitrate of soda in combination with others through the farm cooperative marketing association and got it at $62 per ton, and that the average fellow purchasing by himself in the open market paid $75 per ton. Think of that, Senators.

Mr. President, I want to submit to these Senators who have professed their friendship for the farmers that here is an opportunity not only to deliver them but to deliver their Government from the grip of a nitrate monopoly existing in a foreign country.

As to the fertilizer manufacturers in the United States, I want to say just here that they do not manufacture nitrates. They buy their nitrates from Chile. This Government, by compelling the manufacture of 40,000 tons of fixed nitrogen annually at Muscle Shoals, will supply the fertilizer manufacturers of the United States, and do it at a price not half as great as that they have to pay to Chile now. That will result in tremendous benefit to our farmers. The farmer's fertilizer bill will be smaller, he will be paying less money for his fertilizer, and that will result in benefit to the consumer. So it will work well all around, and to save my life I can not see why anybody should oppose this resolution.

Dam No. 2 is completed, and is ready for use. The committee will have only 30 days in which to act, to report back for the action of Congress. As I said before, Congress will be adjourning by the middle of May, in all probability, and maybe earlier. The citizens of the United States who are willing to accept the invitation of Congress and the President to come in and lay their bids upon the table have a right to be heard on this proposition. Congress has a right to have an opportunity to act, and the President, who has chided Congress for its delay in action upon this matter in his messages, and justly so, has the right to have action had upon it. The great army of farmers in this country who are at the mercy of the Fertilizer Trust who are paying outrageous prices for fertilizer are entitled to have action upon this important resolution.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. McKELLAR. Suppose the committee reports a bid transferring this property by the Government on the terms of the Ford offer to the Fertilizer Trust, as it is commonly known, the American Cyanamid Co., or any one of the component parts of the Fertilizer Trust. Would the Senator from Alabama be willing to vote for the transfer of the property?

Mr. HEFLIN. Mr. President, I do not know who is going to bid for this property.

Mr. McKELLAR. I am asking the Senator just to assume.

Mr. HEFLIN. I am going to do what I can to have this thing disposed of in some way, and to have it disposed of to the best interest of the country and to the best interest of the farmers. I speak for a large number of them. I have been on the Committees on Agriculture in both Houses. I was on that committee in the House for 12 years, and I have been a member of that committee in this body since I have been here, and I am working for the interests of the farmers in every way that I can. I do not propose that they shall be deceived about this proposition.

I repeat I do not know who is going to bid. But the committee will consider the matter and report back to Congress, and then my friend from Tennessee will have an opportunity to fight the bids, if he wants to, and if they are not what they ought to be he ought to fight them. But I submit to him and to other Senators that they should not delay the passage of this resolution one hour. Let it be enacted and the work started, and then, when the bids come back, will be the time to fight them if they are not what they ought to be. Efforts to delay this resolution are dillydallying tactics.

Mr. McKELLAR. Mr. President, the Senator says it is my duty to vote against it if a bid comes in from the Fertilizer Trust. I want to ask him if he will join me in carrying out my duty and vote with me if a lease is reported in favor of either the Fertilizer Trust or the Power Trust? Will the Senator join me?

Mr. HEFLIN. Mr. President, my friend has changed so often on this question in the last two years that I reserve the right to say what a trust is. What he will say is a trust now and what he may say when the bid comes in is a trust nobody knows.

Mr. McKELLAR. I will ask the Senator if he will do this: If a report comes in transferring the property on the terms of the Ford offer to the American Cyanamid Co., or to the Union Carbide Co., or to the Alabama Power Co., will he vote against that bid?

Mr. HEFLIN. Mr. President, I must submit to my friend that the question seems rather ridiculous to me. I can not say in advance whose bid I will vote for. I will vote for the best one, the one that agrees to do what we want done. I am asking for the passage of this resolution, so that the committee can receive bids and bring those bids back, and I can have an opportunity to look them over. If they are not what they ought to be, they ought to be rejected, and the Senator from Tennessee, I am sure, will fight to reject them. I think he will fight to reject all of them. He is in the habit of fighting.

Mr. McKELLAR. Mr. President, it seems to me the question ought to be very simply answered, after what the Senator has already said. He has been inveighing against the Fertilizer Trust and the Power Trust, and he says that the opposition to this bill is the opposition of the Fertilizer Trust and the Power Trust. When I ask him if he is willing to vote against a bid that may be reported here by either the Power Trust or the Fertilizer Trust, he declines to answer as to whether he will or not.

Mr. HEFLIN. Mr. President, I said I reserved the right to say whether it is a trust or not, and I must repeat that my friend has changed his attitude on this thing so often, that if I should agree with him now, I am afraid I would not have him with me on to-morrow.

Mr. McKELLAR. The Senator will never have me with him on the side of monopoly, whether it be fertilizer monopoly or whether it be a water-power monopoly. I can assure the Senator that never, when he gets on the side of either water-power monopoly or fertilizer monopoly, or any other kind of monopoly, will he have me with him.

Mr. HEFLIN. I must remind my friend again that he is very forgetful. He voted to turn this over to Mr. Ford, so he could take it and monopolize it as he pleased for a hundred years, to do with the power just what he pleased. Now he wants to go over across the line into my State and hamper and hamstring the whole proposition, by providing for sending electricity out in every direction, when we have but 80,000 primary horsepower at Dam No. 2.

Mr. CARAWAY. Mr. President, does the Senator think he owns the Tennessee River?

Mr. HEFLIN. Did the Senator address that question to me?

Mr. CARAWAY. I tried to.

Mr. HEFLIN. No, Mr. President.

Mr. CARAWAY. Then why is the Senator talking about hamstringing some institution of his State? The State of Alabama does not own it.

Mr. HEFLIN. Certainly they do not.

Mr. CARAWAY. The river went over there one night, and the next morning it got out of Alabama just as soon as it found out where it was.

Mr. HEFLIN. I do not believe it got into the State of my friend from Arkansas.

Mr. McKELLAR. It went right back into the State of Tennessee.

Mr. HEFLIN. Mr. President, I have not time for this idle talk on the side. The Senator from Tennessee is asking now to amend this resolution so that it will provide for power to come into Tennessee, and, of course, they will get power from that dam. They have already gotten some power from it. Tennessee has more power possibilities than my State has at Little River, in Tennessee, a hundred thousand horsepower, already operating, with possibilities of three or four hundred thousand more. The Senator has not said anything about that power, but he wants to dip his hand into this. The plant down there supplied power last year to Georgia, South Carolina, North Carolina, and some to Tennessee, and it will do so again, of course, if the power is needed.

Mr. NEELY. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. HEFLIN. I yield.

Mr. NEELY. The able Senator from Alabama said a few moments ago that if the committee negotiated a lease it would bring the lease back to Congress. I wish to call his attention to line 5, page 2 of the resolution, and ask him if he thinks the language "said committee shall have leave to report its findings and recommendations" is a mandatory injunction to the committee to submit the matter to Congress after a lease shall have been negotiated?

Mr. HEFLIN. Certainly. That is the phraseology used by both Houses time and again.

Mr. NEELY. Does not the Senator think that if it is the intention to say that Congress shall approve or disapprove the lease, the words "have leave" should be stricken out, and that the resolution should be amended to read, "said committee shall report its findings and recommendations"?

Mr. HEFLIN. That is the point raised by the Senator from South Carolina [Mr. BLEASE].

Mr. NEELY. I do not know who else raised the question, but if the Senator from South Carolina did raise that question, I agree with him.

Mr. HEFLIN. It is not necessary at all, because the resolution provides that the committee shall report to Congress not later than April 1, and that this bid, whatever it is, shall "have the status that is provided for measures enumerated in clause 56 of Rule XI," which makes it a privileged proposition, and provides for immediate action upon it.

Mr. McKELLAR. Mr. President, may I ask the Senator a question?

Mr. HEFLIN. Yes. I want the Senator to ask me a question, but not to speak in my time, because I know he is going to speak at length when I am through.

Mr. McKELLAR. I will not trespass on the Senator's time. The Senator spoke of quite a large amount of undeveloped power in my State, and he was correct in that statement. Is it not the proposal of the Alabama Public Utilities Commission that none of the power generated by the Government and with Government money can be transmitted beyond the State lines of his State?

Mr. HEFLIN. No, sir. I will read for the Senator's benefit a telegram I have just received from the public service commission of my State. I knew the Senator was wrong the other day, and I called attention to the fact that he was wrong about a newspaper article he read.

Mr. McKELLAR. The Senator recalls that it was published in the Alabama papers to that effect?

Mr. HEFLIN. Yes; the Senator undoubtedly saw it in print. The telegram I received this morning addressed to me is as follows:

> We are informed that our letter to you insisting that all power rates within the State of Alabama are exclusively under the control and regulation of the laws of the State is being misconstrued and misrepresented by some as meaning that it would be the policy of this commission to endeavor to prevent transmission of power from Alabama into other States. Such interpretation of our letter is incorrect. We do not favor such a policy in our administration of the power laws of Alabama. Power is now being transmitted from power plants in Alabama, including Muscle Shoals, into Georgia with our permission and thence into the Carolinas. We have recently authorized facilities for the transmission of power into the State of Mississippi and we stand ready to approve the transmission of power from Muscle Shoals into Tennessee, Florida, and other States as conditions may require and justify. We will never consent but will vigorously oppose all efforts of the Federal Government through any agency to regulate or control the rates on power served from Muscle Shoals within the State of Alabama.

I ask the Senator if he does not think that is sound doctrine?

Mr. McKELLAR. No; I do not. I have not read the telegram closely, but I judge from hearing it read that the Alabama Public Utilities Commission claims the right to transmit power to be sent out of that State in the future.

Mr. HEFLIN. No——

Mr. McKELLAR. They say they have heretofore agreed to it, and that they will agree to it under such conditions as they will set forth. I do not think that this project which is created by the Government, with the money of all the people, belongs to the State of Alabama. It belongs to the American people, and I think there ought to be a just and equal distribution of that current from Muscle Shoals, regardless of what the Alabama Public Utilities Commission may say about it.

Mr. HEFLIN. The telegram continues:

> but we do stand ready to agree with the power rate-making commissions of adjoining States for transmission of power from Muscle Shoals out of Alabama into these States.

I ask the Senator if he agrees to that, and thinks it is sound?

Mr. McKELLAR. They claim absolute control of it. If they can agree on the terms and conditions under which other States may have it, they will furnish it, but unless they can agree, they still have the right to stop it.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. PITTMAN. I am interested in knowing how we can prevent a commodity from going from one State into another.

Mr. HEFLIN. We can not. Nobody has any desire to do that.

Mr. McKELLAR. The Alabama Public Utilities Commission has sent out a letter in which it is stated that it has the right to prevent the distribution of that power outside of the Commonwealth of Alabama.

Mr. HEFLIN. I have just read to Senators a telegram showing that they did not say any such thing.

Mr. McKELLAR. The telegram does not deny it.

Mr. PITTMAN. I am not asking what they thought and said. I am asking the constitutional lawyers by what power they could interfere with interstate commerce.

Mr. McKELLAR. I think the contention of the Alabama commission as a legal proposition is ridiculous.

Mr. CARAWAY. If there were no Federal question involved, the State might keep within its borders any power produced within its borders. The State of Maine, for instance, has a law that prevents the transmission beyond its borders of hydroelectric power. There is no question about the power of the State to control an article produced wholly within the State. I do not know what the position of the Alabama people will be. I do not think the resolution ought to pass without a provision for an equitable distribution of the power.

Mr. HEFLIN. It will be distributed all right. I want to say to my friend from Arkansas that I fear that an amendment on the resolution would kill it.

Mr. CARAWAY. What makes the Senator say that?

Mr. HEFLIN. Because I have made inquiry.

Mr. CARAWAY. Of whom?

Mr. HEFLIN. I do not care to state that.

Mr. CARAWAY. Who can speak for the 435 Members of the House?

Mr. HEFLIN. The Senator knows that frequently we inquire of Members of the House about a proposition and we are frequently told that if a proposition is amended this way or that it will not be passed.

Mr. CARAWAY. I do not think the Senator will pass the resolution through the Senate without an amendment. If it is the view of the Senator from Alabama that the project is wholly an Alabama project and that nobody else has any interest in it, then the Senator will have to pass it all by himself.

Mr. HEFLIN. That is not my position. I make the prediction to the Senator that we will pass the resolution without serious opposition.

Mr. CARAWAY. Oh, no; it will not pass without opposition.

Mr. HEFLIN. It will pass, I am hoping, without amendment.

Mr. CARAWAY. It may do it, but the Senator will have to have some help.

Mr. HEFLIN. The Senator can fight it if he wishes to do so.

Mr. CARAWAY. The Senator will need some help to pass the resolution if he takes the position that we have no right to amend it.

Mr. HEFLIN. The Senator from Alabama has never taken that position. That is not my position.

Mr. CARAWAY. Then what does the Senator mean by saying that if we amend it somebody will not let it pass?

Mr. HEFLIN. I was answering the Senator from Tennessee.

Mr. McKELLAR. Mr. President, will the Senator permit me?

Mr. HEFLIN. Wait a moment, please. The power commission in my State has said, as plainly as the English language can make it, that it has control within the State over the power going out from Muscle Shoals. I hold that that is sound doctrine. If the Senator from Tennessee or any other Senator is willing to trespass upon the doctrine of State rights and is willing to wave a State commission aside and put himself under the control of the Federal water power act, he can do so, but I have here a letter from Tennessee urging that the State commission of that State shall regulate the power rates in Tennessee, and I think they are right about it. The commission in my State simply claims the right to regulate rates up to the State line, and then they suggest, as has been done in Mississippi and Georgia and Tennessee, that they should all agree on the rates. What is wrong in that? If they can not agree, it will be time for the Federal Government to step in.

That is my position. I have never taken the position that the project belonged alone to Alabama, but I do claim that it is wholly within the State of Alabama and that the Alabama Utilities Commission has the right to regulate the rates for electric power anywhere in the State, whether the power comes from Muscle Shoals or elsewhere.

Mr. McKELLAR. The Senator from Arkansas [Mr. CARAWAY] just a moment ago asked a question about the position of the Alabama Public Utilities Commission. I desire to read from an article in the Birmingham Age-Herald in which they stated their position——

Mr. HEFLIN. Mr. President, I can not yield for that purpose. The Senator has already called attention to that—it has already been read in the Senate. I have read in response to that newspaper article a telegram denying that it was correct and I can not yield to the Senator to read into the RECORD again something which has been repudiated by the public service commission of my State.

Mr. McKELLAR. I do not think it has been repudiated, and I want the Senate to know the situation. Of course, if the Senator wants to keep the facts from the Senate I have nothing further to say at this time.

Mr. HEFLIN. The Senator can read it in his own time. I can not yield to have the same newspaper articles read in my time.

Mr. McKELLAR. I will read it later.

Mr. HEFLIN. It is a newspaper article that has been repudiated by the commission of my State just as plainly as English language could do it. Of course I realize that the Senator occupies a very embarrassing position.

Mr. McKELLAR. Not at all; not I!

Mr. HEFLIN. Having been on the other side of the question and now getting on this side of the question, he reminds me of a story Bob Taylor used to tell about a fellow who was shucking corn, and every time he found a red ear they gave him a drink. He found so many red ears that he soon reached the point where he could not carry another drink. He went up in the barn loft and went to sleep. When he woke up they were yelling "Fire, fire!" In his excitement he put on his overalls wrong side in front, and he stumbled and fell down the stairway. They gathered him up and asked him if he was hurt. He said, "My chest is where my back was; my back is where my chest was. I am turned completely around." [Laughter.] My friend from Tennessee is so badly twisted and crippled that it is no wonder he is floundering around and wants to get out of this embarrassing situation. He is occupying an attitude which is tantamount to denying the right of the State of Tennessee to regulate rates in Tennessee. Whenever a Southern Senator takes that attitude he has gone a long way toward abolishing State rights and State lines and throwing himself upon the tender mercies of the Federal Government and giving it permission to reach its hand into and take control of matters that are purely State matters.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alamaba yield to the Senator from Missouri?

Mr. HEFLIN. I yield.

Mr. WILLIAMS. Does not the Senator think we anticipate the terms of the lease, and that the discussion does not really have anything to do with whether or not we shall entertain the terms proffered?

Mr. HEFLIN. Absolutely.

Mr. WILLIAMS. Does he not think, further, if we retain title to the Shoals, as we do, that it would be within the jurisdiction of the Secretary of War, and it might well be that the lease should contain terms as to the rates at which the power should be sold with the approval of the Secretary of War, and that the State of Alabama would not be so much affected as the Senator seems to think?

Mr. HEFLIN. Sure. We retain the property. As the Senator from Missouri said, the committee is simply to go out and get bids, and when the bids come in Senators can fight the proposition then. That is the time for them to make their fight. They ought not to load down the pending resolution with legislative matters. The minute it is loaded down with amendments it does become a legislative proposition. If it had had originally any amendments such as are apparently contemplated by Senators, the point of order made at the outset by the Senator from Nebraska [Mr. NORRIS] might have applied, because the amendments proposed would make it a legislative proposition.

Mr. President, I was diverted a moment ago by the various views that have sprung up in this body since we have been discussing the Muscle Shoals project. Senators are for it this year and against it next year, for Henry Ford having it a full 100 years, as the Senator from Tennessee was—and he was going to use the power right there—and now against it. Here we are providing that instead of 100 years they shall lease it for only 50 years, and we provide that the bids in other respects shall be as good as or better than the Ford bid, and my friend from Tennessee [Mr. McKELLAR] is objecting to that. He supported the Ford proposition. He said above all others, Ford's bid ought to be accepted. The pending resolution provides that bids as good as that or better shall be tendered, and yet the Senator from Tennessee is fighting it. The Senator is exceedingly hard to please and I doubt whether we could frame a resolution that would be entirely to his own liking.

Now, I want to come back to the milk in the coconut. The resolution offers an opportunity to furnish cheap fertilizer for the farmer. We are producing in the United States a little more than 7,000,000 tons of fertilizer. Of that amount 5,000,000 tons are used in the South. I am appealing to the Senators who are attacking the resolution and who fought it in the Committee on Agriculture and Forestry to stand out of the way and let the farmers have an opportunity to get relief.

How does the situation stand to-day? The farmers of the United States must go to Chile every year for their nitrate supply. They can not ever get away from that situation until somebody relieves them by creating the machinery somewhere in the United States to make fixed nitrogen. Here is the opportunity to accomplish that purpose. By this means we would relieve our farmers from the enormous prices they have to pay to Chile for nitrates. It would relieve our Government from dependence upon Chile for our nitrogen supply.

What patriotic and intelligent Senator can object to a course which would relieve the farmer from dependence upon Chile for his nitrates and which would relieve the Government from its dependence upon Chile for its nitrogen supply, two national necessities? We can not have prosperity in the country, and the farmers never can have prosperity unless and until we relieve them from the Fertilizer Trust.

Mr. President, I have here a letter from Mr. Chester H. Gray, who represents Mr. Sam Thompson. Mr. Sam Thompson is the president of the American Farm Bureau Federation. I have a telegram from Mr. Sam Thompson indorsing the resolution. His acting director, Mr. Gray, indorses the resolution. Mr. Bowers was appointed to represent the Government on the President's commission, which went down to Muscle Shoals.

He was the farmers' man on the commission. Mr. Bowers wants the resolution passed just as it is presented. I do not see where Senators get any idea that it is in the interest of the Fertilizer Trust. Every farmer and every farm organization that has spoken to me upon the subject indorses the resolution just as it stands. They ought to know what they want, and I believe they do.

That is not all, Mr. President. A little over two months ago when the Farm Bureau Federation was in convention it adopted a resolution suggesting that the property be leased and that a commission be appointed to consider the matter and report back; so that Congress is doing exactly what the great body of farmers throughout the country are asking should be done. Senators ought to know the facts.

Now, let me talk a little about some of the witnesses who were called before the committee. Doctor Cottrell is the head of the Bureau of Research in the Department of Agriculture. He testified before the committee. He was talking about the McKellar bill, the Ransdell bill, the Smith bill, and the Norris bill generally. When he got through I asked him, "Doctor Cottrell, would you have the committee understand that you are opposing the passage of the resolution?" "No, sir." "You would be glad to see it passed?" "Yes, sir; I think you ought to pass it and see if you can not do something with Muscle Shoals." That is one of the witnesses who was brought before us.

What else? Mr. Switzer, of the University of Tennessee, appeared before us. He said that he had misunderstood the proposition and that he indorsed my position in the matter. He is from the Senator's own State and from the University of Tennessee.

Now, let us see about Doctor Curtis, from Yale. He was on the commission which was appointed by the President. He favored the passage of the resolution and a lease to private parties. What else? We had Major Stahlman, the bosom friend of my friend from Tennessee, upon the stand, and my friend interrogated him, and he showed by the answers of the major that he was displeased with what the major was saying. I got that impression. The major finally said that he was for the resolution, and if the bids were not in such form as they ought to be to fight the bids, but not to fight the resolution.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. HEFLIN. I yield to my friend.

Mr. McKELLAR. I merely wish to have the record correct. There is no difference of any kind, nature, or description between me and my esteemed and very greatly beloved friend, Maj. E. B. Stahlman.

Mr. HEFLIN. Except that Major Stahlman favors the resolution and the Senator from Tennessee does not.

Mr. McKELLAR. There is no difference between us.

Mr. HEFLIN. But, Mr. President, I assert that Major Stahlman is on record as favoring the resolution. The able junior Senator from Tennessee [Mr. TYSON] asked him the question across the table, "Do you favor the resolution?" Major Stahlman said, "Yes, sir; I do." There can not be any question about that. Some gentlemen have faulty recollections about what occurred in the committee room. The reason I remember these things so well, Mr. President, is that I have heard everything that has been said on the subject of Muscle Shoals for five years, and some of these things have been gone over so often that they are very old. I immediately recognize it when a new thing is sprung. That is the reason I remember these things so well. Major Stahlman says, "Make the contract what it ought to be; and if it is not, make your fight then, but do not fight the resolution."

Mr. President, I submit that practically every witness they brought there I committed to this resolution before he left the witness stand. Those who called them were disappointed with the witnesses they had produced. They came to attack the resolution; they wanted to break us down; but instead of that they left the witness stand favoring the resolution and favoring action at this session of Congress.

Mr. KING. They "came to scoff, remain'd to pray."

Mr. HEFLIN. Yes; they remained to pray.

Mr. SMITH. They had better keep on praying.

Mr. HEFLIN. I wish again to say that to amend the resolution means delay and probably the defeat of it. I notice some of my friends favor an amendment. My good friend from Arkansas [Mr. CARAWAY] is sincere in his proposition, but I am merely saying what the effect of it would be if adopted. I hold that it is not necessary. If the bids are not what it is desired they should be, we can object to them when they are reported back.

Mr. BROUSSARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Louisiana?

Mr. HEFLIN. I yield.

Mr. BROUSSARD. May I ask the Senator a question?

Mr. HEFLIN. I yield to the Senator.

Mr. BROUSSARD. If it be the purpose to expedite the consummation of a contract, as so many Members of the Senate are in favor of the distribution of the surplus power, does not the Senator believe that this is the proper time to make known to the committee to be appointed that this body regards the distribution of the surplus power as something of great importance, so that in asking for bids there may be a suggestion as to what disposition will be made of that surplus? I merely make that inquiry for the purpose of bringing to the Senator's attention the fact that, knowing beforehand many Members of this body are insisting that some provision be put into the resolution for the distribution of surplus power, it would be futile to get a bid unless it provided for that; that if the committee came back with such a proposal this body would reject it.

Mr. HEFLIN. The point I am making is that they know what is going on here; they know what occurred in the committee and that Members are demanding that the resolution be amended, and have stated the reason for their demand; so that those who desire to submit bids will be advised, and if they find out that other bidders have not included such a provision in their bids they will have an advantage. So I wish to say to my friend that I am satisfied some of the bids will contain such provisions because the bidders will want to get Muscle Shoals. Personally, I would not object to some of these amendments but I know what the situation is. I was talking yesterday with Representative GARRETT, the minority leader in the other House. He is one of the ablest men in that body or who has even been in it. He is a good parliamentarian and a mighty good Democrat. I was talking to him about the matter and he said: Adopt the resolution just as it is, and we are certain to get action.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. HEFLIN. I yield to my friend from Arkansas.

Mr. CARAWAY. A conference report in the House is a privileged matter, and a vote on it can be secured at any time.

Mr. HEFLIN. The point is they might not pass it if they did get a vote.

Mr. CARAWAY. We could ascertain that fact. If the Senator is not opposed to an equitable distribution of the surplus power, if there be any, he could accept an amendment of that kind in this resolution and strengthen it very much, and it would be fair to the proposed bidders to let them understand that there is not any disposition in Congress to permit one power company to monopolize the power or one community to have an exclusive right to this surplus power, if any.

I am perfectly willing, as the Senator knows, to help secure the adoption of this resolution if it shall contain such a declaration. The Senator will recall that in the Committee on Agriculture, if I may be permitted to discuss what took place in the committee—and that has been done before—the vote stood 8 to 8 on exactly these two propositions. I think the Senator makes a mistake when he wants to impugn the motives of those who are not willing to accept the resolution as sacred.

Mr. HEFLIN. No; I am not taking any such position as that.

Mr. CARAWAY. I have so understood the Senator.

Mr. HEFLIN. The Senator has misunderstood me.

Mr. CARAWAY. Then I have, because I thought the Senator was classing everybody as opposed to the farmers who did not agree with his position.

Mr. HEFLIN. Not at all; I have no ill feeling toward anyone who has taken the opposite position.

Mr. CARAWAY. It does not take ill feeling to make charges, because the Senator has made them very freely, and I know he has not any ill will against anybody.

Mr. HEFLIN. I have no ill will against anybody.

Mr. CARAWAY. I thought the Senator said that everybody who would not vote for this resolution unamended was against the farmers and for the Power Trust.

Mr. HEFLIN. The Senator may have been stung by the suggestion, but I was merely inquiring who are the friends of the farmers.

Mr. CARAWAY. Of course, what the Senator said was not sharp enough to sting anybody.

Mr. HEFLIN. I appreciate that, but I can not yield to the Senator to take up my time to tell whether things are sharp or dull when I do not know whether he is capable of passing on that point.

Mr. President, I knew what was going on, and we had just as well fight it out and strip all of the opposition to the public. The President wants this question disposed of; two-thirds of the Members of the Senate and more want it disposed of in this form; the House of Representatives has gone on record by a vote of 9 to 1 favoring it; and now we are being held up and hamstrung by Senators who come from the cotton-growing States who are seeking to defeat this resolution. I hope they will not insist upon the amendment, and especially do I hope that my good friend from Arkansas will not do so, because it is against his whole record.

Mr. CARAWAY. Let me ask the Senator another question.

Mr. HEFLIN. I yield.

Mr. CARAWAY. The Senator is talking about being held up. He took the floor at 2 o'clock for 15 minutes and he has got it yet. [Laughter.]

Mr. HEFLIN. Mr. President, I have been interrupted time and time again by a great many irrelevant suggestions. I have been good enough to yield to them, but I am not responsible for some Senators' rambling thoughts. I had nothing to do with them; God Almighty is responsible for them. [Laughter.]

Mr. CARAWAY. I think the Senator is responsible for his own.

Mr. HEFLIN. No, Mr. President, I am not. God Almighty is responsible for mine. [Laughter.]

Mr. CARAWAY. Oh, do not charge Him with that. [Laughter.]

Mr. SMITH. Let the Senator have mercy.

Mr. HEFLIN. You will cry for mercy worse than that when the farmers ask you what you did when you had an opportunity to deliver them from the Fertilizer Trust body of death. When they ask you if this resolution did not provide that fertilizer be made at Muscle Shoals in an amount equal to that which Ford agreed to make, I can understand why some Senators are wincing and wiggling under this situation.

Mr. CARAWAY. Let me ask the Senator another question.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Arkansas?

Mr. HEFLIN. I yield.

Mr. CARAWAY. What I wanted to ask the Senator was this: He is very anxious that no kind of amendment be accepted to this resolution. If the Senator is only actuated by the desire to have fertilizer made, what is his objection to having an equitable disposition of the surplus power, if any?

Mr. HEFLIN. Because it is not necessary. If the bids do not specify a satisfactory arrangement, we can reject them, as the Senator knows, without loading down the resolution with stuff which would make it obnoxious so that the proposition would not be inviting to anybody, and the Government would be handicapped in getting bids. If acceptable bids shall not be made by the 1st of April, which is just 30 days away, the Senate and the House will have the right to reject them and then dispose of the question as they see fit. That is my position. I am sorry my friend from Arkansas injected this suggestion in here, because I am personally very fond of him.

Mr. CARAWAY. Of course. But let me ask the Senator this question: If we expect to get an intelligent bid, the bidder ought to know what are the conditions under which his bid will be accepted, ought he not?

Mr. HEFLIN. The bidders will know. In construing a statute the court takes into consideration the debates that take place when the statute was enacted in order to ascertain the intention of the lawmaking body.

Mr. CARAWAY. If there is not any sinister motive, if there is not somebody whose bid has already been tentatively accepted, then what objection could there be to saying that the surplus power, if any, shall be equitably distributed?

Mr. HEFLIN. Mr. President, I do not know who is going to bid. I am satisfied that no bid is prepared and ready. I do not know, and I deny, so far as I can that anybody has agreed to accept any bid. I do not think that is so; I am sure that it is not. So my contention, I again state, is that it is not necessary to amend this resolution; that it will endanger its passage if it shall be amended, and that we ought to let it go to the country as it is, inasmuch as it has the indorsement of the President, has received the indorsement of an overwhelming majority of the House of Representatives, with every Member from Arkansas voting for it, every Member from Alabama but one voting for it, and every Member from Tennessee, South Carolina, North Carolina, Mississippi and the other Southern States—not a dissenting voice outside of one in my own State.

They talk about "trying to put something over" on somebody. The President called on Congress in his message to do something with Muscle Shoals; a commission went down there at the instance of the President, and coming back, recommended that we make another effort to get bids; the property is there ready to go to work, ready to pay back the money the Government has expended. Here is an opportunity to do that, an opportunity to make fertilizer to relieve our farmers from the high prices imposed on them by the Fertilizer Trust, and yet Senators suggest the idea of amending it concerning power.

I said awhile ago they had lost sight of the farmer entirely; they have gone off after distribution of 80,000 primary horsepower down there. They talk like dam No. 2 at Muscle Shoals is another Niagara Falls.

The power possibilities, as I said a moment ago, are greater in the State of Tennessee than in my own State, and Professor Curtis, who appeared before us and was a member of the President's commission, said that power could not be transmitted from Muscle Shoals to New Orleans; that it would not reach New Orleans from Muscle Shoals. Another expert told me that power lost 12½ per cent each 100 miles in transmission. It is over 300 miles from Muscle Shoals to New Orleans—I think it is nearer 400 miles—so that Senators may see how much power would be lost in that distance, and, with such a great loss, the price of light and power at New Orleans would be tremendous if the power could be transmitted from Muscle Shoals to that city.

Mr. President, I wish to say further that last year, when the drought was on, power was furnished from plant No. 2 to another power company across in Georgia, thus enabling them to furnish power to South Carolina and to North Carolina. These power concerns help each other. There will not be the slightest doubt about their getting power from Muscle Shoals; and if these power developments continue on that river they will have all that they want. Other States are developing their power. There will not be any question about that. Let us wait until the bids come in, and if they are not what they ought to be we can reject them.

I want to suggest that if my recollection serves me correctly, when the Ford bid was up, which my friend from Tennessee and my friend from South Carolina supported so enthusiastically, the Senator from Nebraska said that all the other bids were better than the Ford bid. He did not like the Ford bid at all. If that is so, my friend and I were supporting a bad proposition, were we not? If all the other bids were better, either that was true, or the Ford bid was good and the others were better. So if Ford is out of it, as he is, and somebody else will bid, perhaps some of the same gentlemen will bid that the Senator from Nebraska referred to; and if their bid was better than the Ford bid, why can not the Senator from Tennessee and the Senator from South Carolina join with us and accept one that will do what we want done?

Let us remember, Mr. President, that the Government is trying to lease this property; that the Government has on its hands a proposition that it inherited from the war. The Government wants to turn it to good account; and what are we going to do? We are going to make it pay millions of dollars to the Government in the 50 years that it is to be used. What has the Government done? It gave millions of acres of land to private individuals for homes. It gave millions of acres of land to railroad companies. It spent millions and millions for reclamation purposes, and not one of them has ever paid to the Government even the interest. What else? It has appropriated, in the last 25 years, over $700,000,000 for river and harbor purposes, and not one of those projects has ever returned a dollar upon the investment. We have spent $150,000,000 and more on the Ohio River, with its tributaries. I am not complaining about that. It is a good work, but those projects do not pay back a single cent.

Here is a plant that we had put up for war purposes, now on our hands, ready for operation. We have an opportunity to get 50 years of service from it, paying millions of dollars to the Government, and holding it ready to make nitrates in time of war and make fertilizer for our farmers in time of peace.

Let me say this before I sit down: Let the Senator from South Carolina and the Senator from Tennessee and the other Senators who oppose us, if the bids when they come in are not equal to or better than the Ford bid which they supported, attack them in this body. The concurrent resolution says it must be as good as the Ford bid. Then, Mr. President, if it is, we free the farmers from the clutches of the fertilizer trust; we free our Government from the grip of a monopoly, a foreign

power, serving us our nitrates in time of war. If some power should intercept these shipments in time of war, we would be left in the lurch. No government should be dependent upon another power for its nitrate supply. This proposition relieves the Government; this proposition relieves the farmer; this proposition provides money for the Treasury of the United States and leases the plant for 50 years instead of 100 years.

Mr. SMITH. Mr. President, the hour is late, and this is a matter of great importance. As I happen to be the author of the particular item of legislation upon which all this discussion has been predicated I want to speak at some length on it, but do not feel disposed to go on to-night. I think the Senate ought to be given a clear, fair statement of the issues involved in this matter; and I desire to ask the Senator from Kansas [Mr. CURTIS] if he does not think we might now postpone any further discussion of this matter until to-morrow?

Mr. CURTIS. Mr. President, if no one cares to discuss the question at this time, I will ask for an executive session after the Senator from Georgia [Mr. GEORGE] has submitted an amendment which I understand he desires to present.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. Yes; I yield, Mr. President. I desire to make an explanation, however.

Mr. GEORGE. I offer an amendment to the pending resolution, House Concurrent Resolution No. 4, and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. That order will be made.

Mr. SMITH. Mr. President, I do not know what report may go out. Of course the press will give a faithful reflection of what has occurred here; but the impression seems to be prevalent—and this is the only observation I care to make on this concurrent resolution at this time—that we have wasted a lot of time on this project. Why, just in July of this year the result of the continuous construction of this plant culminated in the completion of certain turbines. We have not lost an hour. We are installing right now, and have been using for the first time within the last three or four months, the power that was generated under the original dedication of this money.

Mr. McKELLAR. Mr. President——

Mr. SMITH. I want the public to understand that we have spent practically $150,000,000 with a distinct, definite objective in view, and that was that the Government should provide itself, if possible, with an ample supply of the essential basis of explosives—nitrogen.

This is not a power project. We never went before the people and asked for $150,000,000 to develop power. The power was already developed; that is, the process was understood. It was for the purpose of developing the art of fixing nitrogen from the air, and we have not developed it yet. The cyanamide plant that we have at Muscle Shoals can not compete with the nitrate from Chile. Even with the enormous tax paid at ship's side in Chile and the freight to this country, and the rake-off by the monopoly, the cyanamide process in use at Muscle Shoals now can not compete. The product is not in a form that is available for those whom I actually in my person represent. It has to go through a manufacturing process, and both processes are owned and controlled by the Fertilizer Trust of America; and the leasing of this power means the leasing of the process and the abortion of any further development on the part of the Government. We have spent this money for the purpose of having the Government experiment until it shall decide what process will give relief to the farmer, and not turn it over to a private corporation.

Let me say here now that when I introduced the present bill, which is a part of the national defense act, the senior Senator from Alabama [Mr. UNDERWOOD] offered an amendment or a substitute giving to private individuals or a private commission the power that we delegated to the Government, authorizing them to go out and find a means by which the Government might be relieved from the necessity of going to a foreign country to get its nitrate supply. After days of debate the Senate voted down the amendment and said that the defense of the country was a thing for the Government itself to undertake; that in order to supply itself with an abundance of this essential ingredient it must keep its plant in a stand-by condition; and, as the disorganized and helpless farmers needed the very ingredient to fertilize their land that we needed to defend our country, the Senate decided that the Government had a constitutional right to go ahead and develop the process, keep this plant in a condition by which we could be forever free from any foreign government monopoly, and incidentally relieve the farmers from the manipulation of the combination that has now burdened them to a point where, in the section of the country from which I come, the price of the fertilizer eats up all the profit that the farmer makes.

Thus much to-night, Mr. President.

Mr. CURTIS and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield; and if so, to whom?

Mr. SMITH. I yield the floor now, Mr. President, with the understanding that we are to take a recess at this time.

Mr. CURTIS. I ask unanimous consent that the unfinished business may be temporarily laid aside, as it is desired to pass some legislation to-night.

Mr. McNARY. If the Senator will yield for a moment, I desire to propose an amendment to the pending concurrent resolution and ask that it be printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table. Without objection, the unfinished business will be temporarily laid aside.

WHITE RIVER BRIDGES

Mr. WILLIAMS. I ask unanimous consent for the present consideration of Senate bill 2974, Order of Business 202.

The PRESIDING OFFICER. Is there objection?

Mr. McKELLAR. What is the bill?

Mr. JONES of Washington. Let the bill be read.

Mr. WILLIAMS. It is a bill for the construction of a bridge across the White River in Barry County, Mo., bonds already having been issued and sold; and immediately following it is another bill of the same kind.

Mr. McKELLAR. I have no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2974) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 6, township 21 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters, approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIAMS. I now ask unanimous consent for the immediate consideration of Senate bill 2975, Order of Business 203.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2975) granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River, which was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Barry, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, in the county of Barry, State of Missouri, in section 22, township 22 north, range 25 west of the fifth principal meridian, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened,

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, March 2, 1926, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1926

POSTMASTERS

ILLINOIS

Charles E. Seeber, Benton.
William H. Pease, Harvey.
Jacob H. Maher, Hull.
Joseph B. Frisbie, Mendon.
George F. Allain, St. Anne.

NEW MEXICO

Oliver G. Cady, Alamogordo.
Mary C. DuBois, Corona.
Lillie Sutton, Vaughn.

PENNSYLVANIA

Jay E. Brumbaugh, Altoona.
Samuel M. Lambie, Ambridge.
Margaret B. Hill, Saltsburg.
Benjamin S. Davies, West Brownsville.

TENNESSEE

John M. Fain, Bristol.
Emmett V. Foster, Culleoka.
Charles F. Perkins, Jacksboro.
Solon L. Robinson, Pikeville.
Myrtle Rodgers, White Bluffs.
Newton S. Moore, Whiteville.

HOUSE OF REPRESENTATIVES

MONDAY, *March 1, 1926*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In this hushed moment, O Lord, may we pause and know that Thou art God. Thy works of wisdom and mercy are manifold and Thy goodness endureth throughout all generations. We are glad to be here, because we are thankful to be anywhere. We bless Thee for the wit to work and for the hope to keep us brave; also for beating human hearts that love and laugh and weep. Dear Lord, bless us with minds at peace and with hearts whose love is innocent. As we move through the doorway of a new week, confirm the tidings of a father's care. Spread the light of Thy truth before our approaching pathway and assure us that the hand that made us is divine. Amen.

The Journal of the proceedings of Saturday last was read and approved.

CALL OF THE HOUSE

Mr. STRONG of Kansas. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Kansas makes the point that no quorum is present. Evidently there is no quorum present.

Mr. TILSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 45]

Abernethy	Ellis	Luce	Swoope
Aldrich	Flaherty	McFadden	Thayer
Berger	Fredericks	Mills	Tillman
Chapman	Fulmer	O'Connor, N. Y.	Tincher
Cleary	Golder	Pratt	Vare
Connally, Tex.	Gorman	Rogers	Walters
Connolly, Pa.	Jenkins	Rouse	Warren
Cox	Jones	Sanders, N. Y.	Wood
Doyle	Kendall	Seger	Wright
Drewry	Lee, Ga.	Sullivan	

The SPEAKER. On this roll call 392 Members have answered to their names. A quorum is present.

Mr. TILSON. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

RAILROAD LABOR DISPUTES

The SPEAKER. The pending question is the engrossment and third reading of the bill H. R. 9463, a bill relating to railway labor disputes.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BLANTON. Mr. Speaker, I have a motion to recommit.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, on Saturday last, while the House was in the Committee of the Whole House on the state of the Union, I gave notice that it was my purpose, if I received recognition, to offer a motion to recommit the bill with certain instructions, reading the motion that I intended to make. That appeared in the RECORD. In studying the matter since that time I have come to the conclusion that the motion would be ruled out on a point of order. Therefore it is useless to make the gesture of offering it, and I simply desired to make this statement giving my reason why I did not offer it. There is no other motion that I have in mind that will reach the purpose I desire to reach.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The SPEAKER. Is there any other Member opposed to the bill who has a motion to recommit? The Chair recognizes the gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on Interstate and Foreign Commerce with instructions to report the same back forthwith with the following amendment.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to report the same back forthwith with the following amendment:

Page 27, line 24, after the word "creation," strike out the period, insert a colon and the following proviso, to wit:

"*And provided further,* That—

"(h) All testimony before said emergency board shall be given under oath or affirmation, and any member of said board shall have the power to administer oaths or affirmations. The said board shall have the power to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the board material to a just determination of the matters submitted to its arbitration, and may for that purpose request the clerk of the district court of the United States for the district wherein its investigation is being conducted to issue the necessary subpœnas, and upon such request the said clerk or his duly authorized deputy shall be, and he hereby is, authorized, and it shall be his duty, to issue such subpœnas. In the event of the failure of any person to comply with any such subpœna, or in the event of the contumacy of any witness appearing before said board, the board may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto."

Mr. PARKER. Mr. Speaker, I move the previous question on the motion to recommit.

The motion was agreed to.

The SPEAKER. The question is on the motion to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. BLANTON) there were 16 ayes and 292 noes.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. All those in favor of taking the yeas and nays will rise. Four gentlemen have arisen, not a sufficient number, and the motion to recommit is lost. The question is on the passage of the bill.

Mr. PARKER. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 381, nays 13, not voting 38, as follows:

[Roll No. 46]

YEAS—381

Ackerman	Beers	Bulwinkle	Colton
Adkins	Begg	Burdick	Connery
Allen	Bell	Burtness	Cooper, Ohio
Allgood	Bixler	Burton	Cooper, Wis.
Almon	Black, N. Y.	Busby	Corning
Andresen	Black, Tex.	Butler	Coyle
Andrew	Bland	Byrns	Cramton
Anthony	Bloom	Campbell	Crisp
Appleby	Boies	Canfield	Crosser
Arentz	Bowles	Cannon	Crowther
Arnold	Bowman	Carew	Crumpacker
Aswell	Box	Carpenter	Cullen
Auf der Heide	Boylan	Carss	Curry
Ayres	Brand, Ga.	Carter, Calif.	Darrow
Bacharach	Brand, Ohio	Carter, Okla.	Davenport
Bachmann	Briggs	Celler	Davey
Bacon	Brigham	Chalmers	Davis
Bailey	Britten	Chindblom	Dempsey
Bankhead	Browne	Clague	Denison
Barbour	Browning	Cole	Dickinson, Iowa
Barkley	Brumm	Collier	Dickstein
Beck	Buchanan	Collins	Doughton

Douglass	Hull, Tenn.	Milligan	Sproul, Ill.
Dowell	Hull, Morton D.	Montague	Sproul, Kans.
Drane	Hull, William E.	Montgomery	Stalker
Driver	Irwin	Mooney	Steagall
Dyer	Jacobstein	Moore, Ky.	Stedman
Eaton	James	Moore, Ohio.	Stephens
Edwards	Jeffers	Moore, Va.	Stevenson
Elliott	Johnson, Ill.	Morehead	Stobbs
Ellis	Johnson, Ind.	Morgan	Strong, Kans.
Eslick	Johnson, Ky.	Morin	Strong, Pa.
Esterly	Johnson, S. Dak.	Morrow	Strother
Evans	Johnson, Tex.	Murphy	Summers, Wash.
Fairchild	Johnson, Wash.	Nelson, Mo.	Sumners, Tex.
Faust	Kahn	Nelson, Wis.	Swank
Fenn	Kearns	Newton, Minn.	Sweet
Fish	Keller	Norton	Swing
Fisher	Kelly	O'Connell, N. Y.	Taber
Fitzgerald, Roy G.	Kemp	O'Connell, R. I.	Taylor, Colo.
Fitzgerald, W. T.	Kerr	O'Connor, La.	Taylor, N. J.
Fletcher	Ketcham	Oldfield	Taylor, Tenn.
Fort	Kiefner	Oliver, Ala.	Taylor, W. Va.
Foss	Kiess	Oliver, N. Y.	Temple
Frear	Kincheloe	Parker	Thatcher
Free	Kindred	Parks	Thomas
Freeman	King	Patterson	Thompson
Frothingham	Kirk	Peavey	Thurston
Fuller	Knutson	Peery	Tilson
Funk	Kopp	Perkins	Timberlake
Furlow	Kurtz	Perlman	Tinkham
Gallivan	Kvale	Phillips	Tolley
Gambrill	LaGuardia	Porter	Treadway
Garber	Lampert	Pou	Tucker
Gardner, Ind.	Lanham	Prall	Tydings
Garrett, Tex.	Lankford	Purnell	Underwood
Gasque	Larsen	Quayle	Updike
Gibson	Lazaro	Quin	Upshaw
Gifford	Lea, Calif.	Ragon	Vaile
Gilbert	Leatherwood	Rainey	Vestal
Glynn	Leavitt	Ramseyer	Vincent, Mich.
Goldsborough	Lehlbach	Rankin	Vinson, Ga.
Goodwin	Letts	Ransley	Vinson, Ky.
Graham	Lindsay	Rathbone	Voigt
Green, Fla.	Lineberger	Rayburn	Wainwright
Green, Iowa	Linthicum	Reece	Walters
Greenwood	Little	Reed, Ark.	Wason
Griest	Lowrey	Reed, N. Y.	Watres
Griffin	Lozier	Reid, Ill.	Watson
Hadley	Lyon	Robinson, Iowa	Weaver
Hale	McClintic	Robsion, Ky.	Wefald
Hall, Ind.	McKeown	Romjue	Weller
Hall, N. Dak.	McLaughlin, Mich.	Rowbottom	Welsh
Hammer	McLaughlin, Nebr.	Rubey	Wheeler
Hardy	McLeod	Rutherford	White, Kans.
Hare	McMillan	Sabath	White, Me.
Harrison	McReynolds	Sanders, N. Y.	Whitehead
Hastings	McSwain	Sanders, Tex.	Whittington
Haugen	McSweeney	Sandlin	Williams, Ill.
Hawes	MacGregor	Schafer	Williams, Tex.
Hawley	Madden	Schneider	Williamson
Hayden	Magee, N. Y.	Scott	Wilson, La.
Hersey	Magee, Pa.	Sears, Fla.	Wilson, Miss.
Hickey	Magrady	Sears, Nebr.	Wingo
Hill, Ala.	Major	Seger	Winter
Hill, Md.	Manlove	Shallenberger	Wolverton
Hill, Wash.	Mansfield	Simmons	Wood
Hoch	Mapes	Sinclair	Woodruff
Hogg	Martin, La.	Sinnott	Woodrum
Holaday	Martin, Mass.	Smith	Wurzbach
Hooper	Mead	Smithwick	Wyant
Houston	Menges	Snell	Yates
Howard	Merritt	Somers, N. Y.	Zihlman
Huddleston	Michaelson	Sosnowski	
Hudson	Michener	Speaks	
Hudspeth	Miller	Spearing	

NAYS—13

Beedy	Deal	Garner, Tex.	Underhill
Blanton	Dickinson, Mo.	Garrett, Tenn.	
Bowling	Dominick	McDuffie	
Christopherson	French	Nelson, Me.	

NOT VOTING—38

Abernethy	Flaherty	Luce	Swartz
Aldrich	Fredericks	McFadden	Swoope
Berger	Fulmer	Mills	Thayer
Chapman	Golder	Newton, Mo.	Tillman
Cleary	Gorman	O'Connor, N. Y.	Tincher
Connally, Tex.	Jenkins	Pratt	Vare
Connolly, Pa.	Jones	Rogers	Warren
Cox	Kendall	Rouse	Wright
Doyle	Kunz	Shreve	
Drewry	Lee, Ga.	Sullivan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Mills with Mr. Connally of Texas.
Mrs. Rogers with Mr. Warren.
Mr. Connolly of Pennsylvania with Mr. Doyle.
Mr. Pratt with Mr. Tillman.
Mr. Vare with Mr. Abernethy.
Mr. Kendall with Mr. Drewry.
Mr. Shreve with Mr. Jones.
Mr. McFadden with Mr. Cleary.
Mr. Aldrich with Mr. Kunz.
Mr. Swoope with Mr. Wright.
Mr. Jenkins with Mr. Berger.
Mr. Flaherty with Mr. Chapman.
Mr. Luce with Mr. O'Connor of New York.
Mr. Gorman with Mr. Cox.
Mr. Fredericks with Mr. Lee of Georgia.
Mr. Golder with Mr. Fulmer.
Mr. Thayer with Mr. Sullivan.

The result of the vote was announced as above recorded.

On motion of Mr. PARKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PARKER. Mr. Speaker, if my colleague, Mr. MILLS, had been here, he would have voted in the affirmative, and asked me to so announce.

Mr. COOPER of Ohio. Mr. Speaker, I am requested to announce that my colleague, Mr. JENKINS, is unavoidably absent, and that if he had been present he would have voted for the bill.

Mr. BURDICK. Mr. Speaker, I am requested to announce by my colleague, Mr. ALDRICH, that if he were present he would have voted for the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I wish to announce that my colleague, Mrs. ROGERS, is in Massachuseetts, on important public business, and that if she had been present she would have voted for the bill, and she requested me to make this announcement.

Mr. BRITTEN. Mr. Speaker, my colleague, Mr. GORMAN, has been called to Chicago on account of the death of a relative. If he were here, he would have voted in favor of the bill.

Mr. CURRY. Mr. Speaker, my colleague, Mr. FLAHERTY, is unavoidably absent, and had he been here he would have voted in favor of the bill.

Mr. LAGUARDIA. Mr. Speaker, I am requested to announce that my colleague, Mr. BERGER, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. SABATH. Mr. Speaker, I rise to announce that my colleague, Mr. DOYLE, is unavoidably absent, and if he were present he would have voted for the bill; and further, that my colleague, Mr. KUNZ, is ill at home, and he requested me to announce that if he were present he would have voted for the bill.

Mr. O'CONNELL of New York. Mr. Speaker, I rise to announce that my colleague, Mr. SULLIVAN, is unavoidably absent, and that if he were present he would have voted for the bill.

Mr. MEAD. Mr. Speaker, I make a similar announcement in respect to my colleague, the gentleman from New York, Mr. O'CONNOR.

Mr. RAGON. Mr. Speaker, my colleague, Mr. TILLMAN, of Arkansas, was called back to his State, and he has requested me to announce that if he were present he would have voted for the bill.

Mr. DOUGHTON. Mr. Speaker, my colleague, Mr. ABERNETHY, is absent on account of illness; he has requested me to announce that if he were present he would have voted for the bill.

Mr. CRISP. Mr. Speaker, I am requested to announce that my colleague, Mr. WRIGHT, of Georgia, is unavoidably prevented from being present, and he desires me to make the statement that if he had been here he would have voted for the bill.

Mr. BARKLEY. My colleagues, Mr. ROUSE and Mr. CHAPMAN, were both called suddenly home yesterday and are not able to be here to-day. They have requested me to announce that if they had been present they would have voted for the bill.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed with amendments the bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 8264. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 5959. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1927, and for other purposes.

GENERAL LEAVE TO PRINT

Mr. PARKER. Mr. Speaker, I ask unanimous consent that all Members be granted five legislative days within which to extend their own remarks in the RECORD upon the bill which has just been passed.

The SPEAKER. The gentleman from New York asks unanimous consent that all Members may have five legislative days within which to extend their own remarks on the bill which has just been passed. Is there objection?

There was no objection.

THE LABOR BILL

Mr. KIRK. Mr. Speaker, the bill under consideration "To provide for prompt disposition of disputes between carriers and their employees, and for other purposes," is one which deserves the most careful consideration of each member of this body. It is, to my mind, one of the most important bills which has been before the Congress of the United States in half a century. It is the culmination and settlement of unsuccessful negotiations between employer and employee of one of the greatest business industries of our Nation. In it I see the end of an industrial controversy which has agitated the public mind for generations. Laws have been enacted time after time placing restraint upon both parties to this controversy, but time after time they have failed of the purpose for which they were intended, and the unsettled controversies have continued to the present moment. Penal laws have been enacted and failed. Force has been resorted to and failed. Threats and intimidations have been employed and rightfully failed, and at last an appeal to reason, in my judgment, has brought about the happy ending of an unpleasant situation between the employer and the employee here concerned.

The agreement between them has culminated in the introduction of this bill. The agreement was arrived at after careful consideration by the parties themselves. Under this bill no force is to be employed. No coercion or threats of violence resorted to and no penalties inflicted except the penalty imposed by a disappointed public in case either party fails to stand by the agreement and provisions of this bill. Such an agreement brought about in this way, whereby the parties at interest have agreed on the manner of adjustment, and have guaranteed to the public by their pledge of honor, that they will abide by the provision of this bill and will keep and carry out its mandates. Neither party can cast it aside in the face of a trusting public and thereby break faith with the people of this Nation who had faith in the sincerity of the parties to this agreement, and because of which gave them this law in the form they themselves dictated and requested.

In my opinion, the passage of this bill will prevent a threatened disaster. The President of the United States pleads for an adjustment of the differences between the railroad employer and employee, and to this end has suggested such a law as is here proposed. What reason has anyone to oppose such a measure? The employer and employee have, through their representatives, yielded some of their rights in the interest of peace and the public welfare. The laboring man is recognized in this agreement and his place is one of honor, and he has been called in consultation by his employer, around a council table, in this settlement of labor disputes. His demands for fair play are being respected. He is taking his place in this Nation as a positive force, and it matters not where he is employed—on the trains, in the shops, or on the maintenance force or elsewhere—he is entitled to fair treatment and an honest wage along with the other industrial workers in the factory, mine, or forest.

I do not believe in strikes and lockouts, but I do pledge my support to any measure which is alike fair to the employer and employee. The voice of the laboring man will hereafter be heard in the industrial councils, and I stand pledged to them to advocate their cause in Congress or out of Congress where their rights are threatened or abridged. He is entitled to receive equal justice with his employer, wherever his lot be cast. It has been urged that immediately following the passage of this bill, the workingman's wage will be increased and the freight rates correspondingly increased by the carrier to cover the wage increase and the farmers and other shippers would have to bear the burden; if so, let it be done under the provision of this bill, but I maintain that when wages are increased that the railway companies and the public will receive more efficient service and better service, which will equal the increase in wages and will dispense with the necessity of increasing the freight rates; but if I am mistaken in this and it should become necessary to increase the rates to meet such an emergency, the carrier would be justified and should be permitted to add such additional rates as will be necessary to pay the additional increase and give them a reasonable return on the money invested as carriers, otherwise no person or group of persons would embark in such enterprises.

We must consider in dealing with these questions that both parties have rights that must be protected. This bill under consideration is one worked out by the parties themselves and is a step in the right direction. Probably it is not perfect, but time will demonstrate that fact and it may be hereafter amended in order to carry out the end intended.

I think for the good of the Nation, for the good of the public, for the good of the parties directly concerned, this bill should pass, and I will cast my vote for it.

Mr. HARE. Mr. Speaker and gentleman of the House, I trust that the time has come, or will soon come, when the transportation companies of this country and their employees can assume, or be placed in such a legal status as to be required to submit their differences to legally constituted authority for adjustment and not forever be wrangling among themselves at the inconvenience and expense of the public. I gather from the provisions of this bill and the hearings thereon they say, in effect, that they are ready and willing to have such an understanding incorporated into law and made binding by an act of Congress.

I have studied the bill very carefully and listened to the arguments both pro and con and, while I see considerable merit in its provisions, I am frank to say that it is not exactly what I would like to have it, because I think it should include similar provisions permitting and requiring coal miners and coal operators to adjust their differences in a similar way, so that the interests of the public may not always be disturbed and imposed upon by the more or less frequent strikes or shut-outs.

We have just had an illustration or exhibition of their contentious wrangling, covering a period of six months or more, and apparently neither side has been benefited, because it seems that they settled or adjusted their differences and started operations again just where they left off and under the same terms and conditions; yet in the meantime thousands of people have had to suffer for lack of work and inability to secure coal, and millions of others have had to pay unfair, unjust, and exorbitant prices. Then, to think that it is hinted by some that the trouble was all brought about by a collusion of the leaders on both sides. But, whatever may have been the cause, we know that the public has been made to suffer for their folly, misunderstandings, or deliberate wrongdoings. At any rate, if there had been a law on our statute books similar to that provided for in the proposed bill, the public and business interests of the country may have been relieved of the hardships they have been forced to endure, and both miners and operators would be a long way better off. So I say again, if this bill when enacted into law is to be executed in good faith, there is sufficient merit in it to justify support, especially since it has been amended so as to give the Interstate Commerce Commission a free hand in determining the merit or justification of any agreement that may be reached by the transportation companies and their employees. However, I think I should say in this connection, without the Tincher amendment I could not vote for the bill for the reason that I am unwilling to subscribe to any measure where there is an apparent possibility or chance for the railroads to exact an increase in freight rates at the expense of the public; but, on the contrary, I am prepared to support and fight for any measure that means a substantial decrease in freight rates, especially on farm products; and I pause here long enough to say, gentlemen, I really trust that this Congress will enact some legislation with this purpose in view.

Permit me to say in conclusion that if this bill will prevent strikes, guarantee the safety and protect the rights of the people, and at the same time insure continuous service to the public and protect it against increased expenses for same, it is worthy of careful consideration and support, but if the public is not to be protected and its rights safeguarded in the respects enumerated, the bill deserves to be defeated. And since the provisions of the bill offer to protect these rights in the manner indicated, I am willing to support it and give it a trial until the meeting of the next session of Congress, but if in the meantime the operations of the law fail in any respect, I am placing myself on record now as being willing to vote to repeal it, just as we are voting to-day to repeal the law enacted a few years ago providing for the establishment of the Railroad Labor Board, which, to my mind, has been a farce and an absolute failure.

Mr. ELLIS. Mr. Speaker, I am for the bill. It abolishes the Labor Board. I am for it for that. It sets up another board. I am for it in spite of that. I can hardly conceive that the promoters of the treaty between carriers and their employees, ratification of which constitutes this measure, would have set up this Mediation Board had they not taken for granted that the public, trained to expect the creation of a new board in about every bill, would demand a gesture of this sort. For I believe it to be a mere gesture, nothing more. No powers are conferred on this mediation body to dominate, dictate, or intrude in any assertive way. I am not complaining about this. I am glad this is so. For that reason the board will not be a constant irritation, as has been the Labor Board. If a dispute arises, these mediators may pour oil, may apply massage. If they shall be powerless to heal, they will not be likely to aggravate.

To make my point on the futility of the rather expensive machinery pertaining to this Mediation Board, let me say that I am taking these parties at their word. I accord perfect good faith. If they are to proceed to adjust relations amicably, why from any standpoint have they sought reconciling aid of an outside influence? This is a proposal on the part of the employers and employees to compose their differences themselves at a council table of their own appointing. I can readily see how on an occasion, in an instance of disagreement about some particular thing, expert or competent advice might be sought from an outside source. That very thought is reflected in another part of this bill. In line with provisions elsewhere in the bill, for such service, it seems to me that the influence sought to be exerted at the council table by this new board might be much more simply and inexpensively procured in some other way than by setting up a permanent board. I deplore the constant multiplication of permanent boards, bureaus, and commissions.

I favor the experiment here proposed. I realize that little, if anything, entirely new is contained in this scheme. The novelty consists in what has been left out of the scheme. In the three former efforts, frequently referred to in this debate, there has been an unfortunate admixture of what pertains to voluntary processes with what belongs to compulsory processes in dealing with wage disputes. There is nothing whatever that savors of compulsion in this proposal. In that respect it is novel, and for that precise reason I think it worth trying.

Another reason for so thinking is that the previous efforts, every one of which did savor of compulsion, have availed nothing. It is true that some principles have been evolved which would avail were compulsory methods to be practiced. But these principles have been rejected in practice because a policy of compulsion has never been distinctly approved by the Congress. So those principles evolved by the Labor Board have aggravated rather than composed difficulties. They do not contribute at all to peace, nor do they satisfy. So my third reason for trying the experiment is that in doing so the public loses no right, parts with nothing of value, waives no protection possessed anyhow or lodged anywhere.

My final reason is that by enacting this treaty into law we solemnly record the joint and several pledges of the parties to it to be good—to effect wage scales that will be fair, not only between themselves but to the public as well; to provide uninterrupted operation and service and so usher in a new era of peace in this, the second in rank of American industries.

The rallying ground of contention among the friends of this bill is, of course, the proposed amendment of the gentleman from Kansas [Mr. HOCH]. His proposal strikes at the fundamental theory of the measure. It sharply challenges the policy of it. Early in the consideration I have given the proposal, I reached the conclusion that to support the amendment I must array myself with the outright opponents of the bill; that there was no halfway standing ground. If it is unsafe to accord to the parties to a wage agreement the full right to freely contract—to negotiate unvexed and unafraid of interference during negotiations or of disturbance of results, when reached in good faith and without fraud—then the bill ought not to be passed. If, on the other hand, as all concede to be the law, wage fixing is a matter of contract and the validity of wage contracts—the binding force of same upon the parties to them—must be tested precisely as all other contracts are tested, then the policy of this bill should be upheld.

From this point, after study and reflection, I have come to the conclusion that the gentleman's amendment would work a subversion and therefore should not be considered germane. I shall presently contend that it would work no change necessary to the public interest and hence is without virtue.

On the question of the germaneness of this proposed amendment, it must not be overlooked that this bill deals primarily with the processes of procuring a voluntary meeting of minds; that, with exception of some simple means of recording and effectuating the result, the provisions of the bill are wholly devoted to such processes. Generally speaking, the processes employed consist of meetings at conference tables; meetings at tables to define demands; meetings at tables to adjust those demands; meetings at tables to reconcile differences; meetings at tables to entertain mediation; meetings, perhaps, at tables to arbitrate disputes. At none of those tables, by the policy of this bill, is any instrumentality of sovereignty or compulsion to have seat or voice. Right there resides the difference between this measure and all others on this subject. If the proposed amendment we are now considering is to have the slightest potency, it would interject the Interstate Commerce Commission as an unwelcome guest or a disconcerting ghost at every one of those tables.

This brings me to a consideration that some may think I am too far ignoring—to the functions of the Interstate Commerce Commission respecting the wages paid by railroads. The Interstate Commerce Commission has, exercises, and should exercise important functions in this regard. But here is a highly important distinction that should not be disregarded. Those functions attach to the subject of wages after wages have been fixed and have become operative; not before they have been fixed and have become operative by agreement of the parties.

What are those functions? To set aside or modify a wage or scale of wages if the commission thinks it too high to comport with economical management? Absolutely not so. If this were a function, then this Hoch amendment would be in order and would somewhat avail, lacking nothing except adequacy. It is a primary duty of the commission to recognize fixed wages. I, of course, speak of wage agreements untainted by fraud. Fraud or collusion presents an entirely different case, and, in the instance of it, there is always ample remedies available to the public. Advised of and recognizing a wage or a wage scale, the next duty of the commission is to determine in which of two categories it falls—whether, all conditions and considerations taken into account, it is fair and comports, as I have said, with economical management; if it be found to belong to this category, it becomes the duty of the commission to pass it along to the public and let it be reflected in the consideration of freight rates and passenger fares. If, on the other hand, the wage or scale of wages is determined to be unreasonable, reflecting uneconomical management and disregard of the public interest, it then becomes the duty of the commission to protect the public against it by seeing to it that it pass to the carrier involved and be reflected in a reduction of dividends to stockholders. I think I have correctly stated the functions of the commission in this regard. If I have, then two things must be apparent. In the first place, the passage of this bill as it has been framed modifies or impairs the commission's proper functions in no regard and in no degree. In the second place, it is unnecessary by this bill to enlarge or broaden either the jurisdiction or functions of the commission to afford ample protection to the public.

The policy of this bill will prove to be a wise policy if the parties to the treaty which we seek to validate shall prove really willing and really able to carry out their program of peaceful adjustments of wage disputes. The burden will be upon them to make it a success; the blame will be theirs if it eventuate in failure.

I realize that there are always some misgivings as to the success of an arrangement to have a lion and a lamb lie down together. My colleague, Mr. BAILEY, of the fourteenth Missouri district, tells the story of a showman who introduced as the feature of his circus venture a cage containing a lion and a lamb. A good man visited the performance one day and, expressing great pleasure, was constrained to remind the showman that the display was the symbol of a fine ideal; the visitor also volunteered the observation that it was doubtless a drawing card and highly profitable. The showman's answer was: "Yes; it draws well and would be profitable if I did not have to buy so many lambs." I neither relate nor apply this story in a spirit of doubt or cynicism. This is a new and courageous departure. Until the contrary appears, I shall accredit entire good faith. I indulge the hope that in this endeavor for industrial peace there may truly appear and prevail a little more, not too much, of lamblike deference; a little less, not too greatly less, of lionlike aggressiveness. I indulge the hope that in this great transportation industry may be recognized the virtue of "beating swords into plowshares and spears into pruning hooks."

I am bound to assume that this is all in good faith. If I were asked, as I am not asked, to substitute this experiment for something that was already working well, or even fairly well, I might hesitate. But I am perfectly satisfied that nothing we have set up in the law is getting anywhere, affording any protection, or doing any good. Where peace now exists and relations between carriers and their employees are satisfactory, the conditions are not because of the instrumentality of a labor board but in disregard of that instrumentality.

During the consideration of this bill in the committee my interest in it prompted me to attend some of the hearings. About that time I received a letter from craftsmen of one of the minority group of railways that has manifested dissent to this legislative proposal. Reference was made to a letter I had previously received from the president of their company, and they said:

> We feel that our relations with the railroad company have been very harmonious during the past three or four years and hope nothing will

be done at Washington which might have a tendency to disturb these relations in the future.

I might have answered by calling to the attention of these craftsmen the expressed provision in this bill which removes any cause for such anxiety. But writing quite fully and frankly, this is, in part, what I said in reply:

I am very much pleased to observe the indication contained in your letter that the ——— Railway has found ways and means of maintaining amicable relations with employees. I am wondering if I should not interpret this as favoring rather than discouraging this legislative proposal to permit carrier and craft all latitude, compatible with public interest, to order their mutual relations.

That expresses my feeling and reflects my attitude. I want American railroads to be owned and conducted as private enterprises. It is, of course, a happy circumstance that, owing to the character of the service to be rendered, a peculiar right of supervision in the interest of the public has been afforded in this that does not pertain to other industries. This peculiar right is and will continue to be amply exercised. But the basic rights of carriers to enjoy freedom of contract over a wide range must be recognized or private intiative, enterprise and accomplishment will be wholly destroyed. Their present-day problems are complex and hard to solve. I shall not knowingly add to the difficulties of their situation. On the other hand, I shall be very slow to recognize that any right that is accorded to workers and earners in other industries may be justly denied to railroad workers in any branch of that employment.

I do not need to reiterate what has been so many times said in this debate, that if this proposal of these parties, commended by the President as very likely to be serviceable to the public, shall fail to produce the anticipated results; if the evil effects predicted by opponents of it shall be realized; opportunity will be afforded, and with better reason than ever before, to try something different. I am for the experiment. I am in favor of passing the bill without any amendment that will effect any material change in its policies or provisions. For I desire that responsibility for success or failure shall be upon the hands that framed it and brought it to the committee of this House that has in turn commended it to us. I shall so vote at every stage of the progress of the measure in this Chamber.

Mr. BROWNE. Mr. Speaker, I am in favor of this legislation, and have been in favor of similar legislation for a number of years. I voted against the Esch-Cummins bill and the Railroad Labor Board created under it, and am proud of my record. The railroads as well as the railroad employees both agree that the Railroad Labor Board created by the Esch-Cummins law was a failure. Under it we had the most prolonged and disastrous strike in the history of the country. This strike lasted some eight months, during which time there was a loss of over a million dollars a day.

We can not have efficient management and operation of our railroads without a friendly feeling between the railroad management and its employees. We can not have a friendly feeling between the railroad management and the employees unless the railroad employees receive a good, fair, living wage. By a living wage I mean a sufficient wage so that an employee may support himself and family, give his children good advantages in schooling, and by frugality lay up something for a rainy day.

President A. H. Smith, of the New York Central Railroad, stated before the Senate Interstate Commerce Committee, May 20, 1921, as follows:

Ninety-five per cent of the railroading is human. The other 5 per cent is merely coal and steel, and is not worth anything if you do not get good men with it.

I maintain that the 95 per cent human element of the transportation industry shall be made up of properly nourished, competent, energetic workers. Such workers can only be obtained through adequate wages and reasonable and safe working conditions. Such workers and such conditions are necessary for efficient and safe transportation service, which is essential to the general welfare and to national prosperity.

I am for peace, and I am therefore for this bill, because I believe that it will promote industrial peace.

I firmly believe in arbitration and mediation of all disputes between capital and labor. The first law providing for arbitration of labor disputes was known as the Erdman Act. This act was amended by what is known as the Newlands amendment. These laws provided for a conciliation board in cases where the railroads and the employees could not agree. These boards were very similar to the boards provided for in this bill. For 23 years, under the Erdman and Newlands Acts, all grievances that could not be settled by the grievance court of the employers and employees of the railroad companies were settled by the conciliation board. During the 23 years mentioned there was not a strike on the railroads. There was not a single case where the employees refused to abide the decision of the mediation board. This certainly is a record which justifies my belief that under this bill there will be harmony between the railroads and their employees.

Both political platforms of 1924 agreed that the present Labor Board should be amended.

George W. Anderson, judge of the circuit court of appeals, formerly a member of the Massachusetts Public Service Commission and Interstate Commerce Commission, testified December 20, 1922, at the hearings of the committee on the railroad consolidation in Boston as follows:

Turning to the labor provisions of the transportation act, the situation is still blacker. A large part of the dominant managerial forces did not accept in good faith the labor provisions of the act, etc. How the scheme would have worked if it had been accepted in good faith by practically all the railroad management no one can say. It was not so accepted. The shopmen's strike of last July was the result. The general result is that the mass of railroad employees were, in my opinion, never so embittered and so distrustful of the railroad management as now. * * * The labor provisions of the transportation act are effectually discredited; so is the Labor Board.

The Labor Board had practically ceased to function. It had 845 undecided cases before it at the time the Howell-Barkley bill was introduced in Congress. I supported that bill and spoke for it, but a protracted filibuster prevented its passage. The Howell-Barkley bill provided for the abolition of the Labor Board created by the Esch-Cummins law, and provided that the management and the employees should settle their own disputes. This principle is carried out by this bill, and that is why I am favoring it.

I have always believed in the right of laborers to organize, form unions, and insist upon collective bargaining. This right is now conceded even by Judge Gary, of the Steel Trust, the Mussolini of employers, who only recently abolished a 12-hour day for his employees.

This is a day of organizations. Many of the larger corporations have merged into supercorporations that control the railroads, the coal mines, the steel, lumber, and the water power of the country. Unless the laborers and the farmers of the country are highly organized they will be unable to protect themselves in the great competitive industrial life of the Nation.

I believe in treating capital fairly. It is entitled to a fair and reasonable return on its investments, but at the same time I believe that every laborer is entitled to a reasonable wage, and I would give wages a priority over dividends, because humanity is more sacred than the dollar and because the perpetuity of our great, free institutions depends upon the prosperity and happiness of the producers and creators of wealth.

COMMISSIONED OFFICERS ASSIGNED TO CIVILIAN DUTIES

Mr. BANKHEAD. Mr. Speaker, a few days ago the House passed a resolution, No. 128, introduced by me, calling upon the Secretary of War for certain information with reference to the number of commissioned officers in the Army who have been assigned to nonmilitary duties in the War Department. That information has been supplied by the Secretary of War and is now on the Speaker's desk. For the information of the House I ask unanimous consent that it may be incorporated in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that a letter from the Secretary of War conveying information asked for by a resolution which was passed by the House, to which the gentleman from Alabama has referred, be printed in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, February 27, 1926.

The SPEAKER,
House of Representatives.

SIR: In response to House Resolution No. 128, directing the Secretary of War to furnish the House of Representatives the following information:

First. The total number of commissioned officers of the Army of the United States who are now assigned and engaged in duties of a civilian nature and not strictly in line with their military duties as officers of the Army.

Second. The individual names of such officers, their rank, and the nature of the duty to which they have been assigned.

I transmit to you the following in answer to the foregoing requirements:

First. The total number of commissioned officers in the Army of the United States that are now assigned and engaged in duties of a

civil nature and not strictly in line with their military duties as officers of the Army number 178.

Second. The following shows the individual names of such officers, their rank, and the nature of the duty to which they have been assigned:

1. CIVIL GOVERNMENT, PANAMA CANAL ZONE

(30 officers)

Harry Burgess, colonel, Corps of Engineers; Meriwether L. Walker, colonel, Corps of Engineers; Francis C. Harrington, major, Corps of Engineers.

OFFICERS OF MEDICAL CORPS

Weston P. Chamberlain, colonel; Roger Brooke, lieutenant colonel; Will L. Pyles, lieutenant colonel; William W. Conger, major; Paul M. Crawford, major; William A. Murphy, major; Curtis D. Pillsbury, major; John Wallace, major; Reginald F. Annis, captain; Samuel D. Avery, captain; Aubrey K. Brown, captain; James M. Bryant, captain; Paul G. Capps, captain; Virgil H. Cornell, captain; Richmond Favour, jr., captain; Adolph T. Gilhus, captain; George E. Hesner, captain; James R. Hudnall, captain; Henry E. Keely, captain; Charles R. Mueller, captain; Cleve C. Odom, captain; Marvin C. Pentz, captain; David L. Robeson, captain; Ralph H. Simmons, captain; Edwin R. Strong, captain; Reeve Turner, captain; Harry Wall, captain.

2. AMERICAN RED CROSS

(1 officer)

Clifford H. Perry, captain, Medical Administrative Corps.

3. DISTRICT OF COLUMBIA COMMISSION

(4 officers)

J. Franklin Bell, lieutenant colonel, Corps of Engineers; William E. R. Covell, major, Corps of Engineers; William H. Holcombe, major, Corps of Engineers; Raymond A. Wheeler, major, Corps of Engineers.

4. FEDERAL POWER COMMISSION

(1 officer)

Glen E. Edgerton, major, Corps of Engineers.

5. PUBLIC BUILDINGS AND PUBLIC PARKS

(3 officers)

Ulysses S. Grant, 3d, major, Corps of Engineers; Marvel H. Parsons, captain, Coast Artillery Corps; Carey H. Brown, major, Corps of Engineers.

6. BUREAU OF THE BUDGET

(11 officers)

Henry C. Smither, brigadier general, United States Army; Thomas J. Powers, colonel, Infantry; Frank L. Wells, colonel, Infantry; Roderick L. Carmichael, colonel, finance department; Peter J. Hennessey, lieutenant colonel, Cavalry; Dennis P. Quinlan, lieutenant colonel, Judge Advocate General's Department; Walter S. Sturgill, major, Field Artillery; Frank H. Phipps, jr., major, Coast Artillery Corps; Thomas W. Barnard, captain, Infantry; Charles J. Kindler, captain, Quartermaster Corps; Walter B. Smith, first lieutenant, Infantry.

7. BOARD OF ROAD COMMISSIONERS FOR ALASKA

(4 officers)

James G. Steese, major, United States Army, retired (Engineers); Lunsford E. Oliver, major, Corps of Engineers; Arleigh T. Bell, second lieutenant, Corps of Engineers; Frank A. Pettit, second lieutenant, Corps of Engineers.

8. INLAND WATERWAYS CORPORATION

(1 officer)

Thomas Q. Ashburn, colonel, Coast Artillery Corps.

9. AMERICAN BATTLE MONUMENTS COMMISSION

(4 officers)

Xenophon H. Price, major, Corps of Engineers; Howard F. K. Cahill, captain, Infantry; Hurley E. Fuller, captain, Infantry; Thomas North, first lieutenant, Field Artillery.

10. ARLINGTON MEMORIAL BRIDGE COMMISSION

(2 officers)

Joseph C. Mehaffey, major, Corps of Engineers; Ellis E. Haring, captain, Corps of Engineers.

11. RIVERS AND HARBORS

(89 officers)

William J. Barden, colonel, Corps of Engineers; Frank C. Boggs, colonel, Corps of Engineers; Earl I. Brown, colonel, Corps of Engineers; Spencer Cosby, colonel, Corps of Engineers; Herbert Deakyne, colonel, Corps of Engineers; George M. Hoffman, colonel, Corps of Engineers; William Kelly, colonel, Corps of Engineers; Charles W. Kutz, colonel, Corps of Engineers; William B. Ladue, colonel, Corps of Engineers; John C. Oakes, colonel, Corps of Engineers; Charles L. Potter, colonel, Corps of Engineers; Edward H. Schulz, colonel, Corps of Engineers; Curtis McD. Townsend (rivers and harbors only), colonel, Corps of Engineers (retired); Elliott J. Dent, lieutenant colonel, Corps of Engineers; Gustave R. Lukesh, lieutenant colonel, Corps of Engineers; George B. Pillsbury, lieutenant colonel, Corps of Engineers; Francis A. Pope, lieutenant colonel, Corps of Engineers; John R. Slattery, lieutenant colonel, Corps of Engineers; George R. Spalding (rivers and harbors only), lieutenant colonel, Corps of Engineers; Gilbert A. Youngberg, lieutenant colonel, Corps of Engineers; Layson E. Atkins, major, Corps of Engineers; Edwin A. Bethel, major, Corps of Engineers; Howard S. Bennion, major, Corps of Engineers; Richard T. Coiner, major, Corps of Engineers; Donald H. Connolly, major, Corps of Engineers; Robert W. Crawford (rivers and harbors only), major, Corps of Engineers; Roscoe C. Crawford, major, Corps of Engineers; Edmund L. Daley, major, Corps of Engineers; James A. Dorst, major, Corps of Engineers; Beverly C. Dunn, major, Corps of Engineers; Thomas H. Emerson, major, Corps of Engineers; Henry A. Finch, major, Corps of Engineers; Harold C. Fiske (rivers and harbors only), major, Corps of Engineers; Alfred L. Ganahl, major, Corps of Engineers; Cleveland C. Gee, major, Corps of Engineers; Douglas H. Gillette, major, Corps of Engineers; John C. Gotwals, major, Corps of Engineers; Robert P. Howell, major, Corps of Engineers; DeWitt C. Jones, major, Corps of Engineers; Oscar O. Kuentz, major, Corps of Engineers; Albert K. B. Lyman, major, Corps of Engineers; Lehman W. Miller, major, Corps of Engineers; James A. O'Connor, major, Corps of Engineers; Charles E. Perry, major, Corps of Engineers; Roger G. Powell, major, Corps of Engineers; Rufus W. Putnam (rivers and harbors only), major, Corps of Engineers; Clarence S. Ridley, major, Corps of Engineers; Julian L. Schley, major, Corps of Engineers; John W. N. Schulz, major, Corps of Engineers; Henry H. Stickney, jr., major, Corps of Engineers; William F. Tompkins, major, Corps of Engineers; Harry M. Trippe, major, Corps of Engineers; Max C. Tyler, major, Corps of Engineers; Gilbert V. Wilkes, major, Corps of Engineers; Charles F. Williams, major, Corps of Engineers; Gordon B. Young, major, Corps of Engineers; Clinton W. Ball (rivers and harbors only), captain, Corps of Engineers; Ralph G. Barrows, captain, Corps of Engineers; Edward N. Chisolm, captain, Corps of Engineers; Gordon C. Day (rivers and harbors only), captain, Corps of Engineers; John G. Drinkwater (rivers and harbors only), captain, Corps of Engineers; Horatio G. Fairbanks, captain, Corps of Engineers; Pier L. Focardi, captain, Corps of Engineers; Frank A. Heilman, captain, Corps of Engineers; Albert B. Jones, captain, Corps of Engineers; F. Russell Lyons, captain, Corps of Engineers; Sylvester E. Nortner, captain, Corps of Engineers; Hugh P. Oram, captain, Corps of Engineers; Lewis A. Pick (rivers and harbors only), captain, Corps of Engineers; Holland L. Robb, captain, Corps of Engineers; Carl R. Shaw, captain, Corps of Engineers; Richard L. Smith, captain, Corps of Engineers; Wilhelm D. Styer, captain, Corps of Engineers; Herbert C. Whitehurst, captain, Corps of Engineers; Ludson D. Worsham (rivers and harbors only), captain, Corps of Engineers; John P. Dean (rivers and harbors only), first lieutenant, Corps of Engineers; Harry E. Fisher, first lieutenant, Corps of Engineers; Leslie R. Groves, jr., first lieutenant, Corps of Engineers; Roy W. Grower, first lieutenant, Corps of Engineers; John M. Harman, first lieutenant, Corps of Engineers; Walter L. Medding, first lieutenant, Corps of Engineers; George J. Nold (rivers and harbors only), first lieutenant, Corps of Engineers; Ewart G. Plank, first lieutenant, Corps of Engineers; Lewis T. Ross, first lieutenant, Corps of Engineers; Thomas D. Stamps (rivers and harbors only), first lieutenant, Corps of Engineers; Joseph H. Stevenson, first lieutenant, Corps of Engineers; Frank L. Beadle, second lieutenant, Corps of Engineers; Royal B. Lord, second lieutenant, Corps of Engineers; Louis J. Rumaggi, second lieutenant, Corps of Engineers.

12. WASHINGTON AND ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM

(4 officers)

John D. L. Hartman, colonel, Signal Corps (Cavalry); Carter W. Clarke, first lieutenant, Signal Corps; Harold F. Hubbell, first lieutenant, Signal Corps; Herbert G. Messer, first lieutenant, Signal Corps.

13. SOLDIERS' HOMES

(4 officers)

Lloyd A. Kefauver, major, Medical Corps; Robert H. Lowry, jr., major, Medical Corps; Rollo P. Bourbon, captain, Medical Corps; Anthony J. Vadala, captain, Medical Corps.

14. BUREAU OF INSULAR AFFAIRS

(3 officers)

Frank McIntyre, major general; Orval P. Townshend, colonel, Infantry; John S. Sullivan, major, Infantry.

15. TACNA-ARICA ARBITRATION COMMISSION ON BOUNDARIES

(17 officers)

William Lassiter, major general, United States Army; Frederick M. Brown, colonel, judge advocate; Edward A. Kreger, colonel, judge advocate; Jay J. Morrow, colonel, retired; Francis LeJ. Parker, colonel, Cavalry; Arthur W. Brown, lieutenant colonel, judge advocate; Frank L. Pyle, lieutenant colonel, retired; Robert M. Campbell, major, General Staff; Cary I. Crockett, major, Infantry; Martin C. Shallenberger, major, Infantry; Roy L. Bowlin, captain, Ordnance Department; Edward H. Bowes, first lieutenant, Infantry; Eugene M. Caffey, first

lieutenant, Corps of Engineers; Frank G. Davis, first lieutenant, Infantry; John C. Raaen, first lieutenant, Infantry; Leander D. Syme, first lieutenant, Infantry; John C. Delaney, second lieutenant, Coast Artillery Corps.

All of the above-named officers belong to the Regular Army. The majority of the officers on rivers and harbors duty also perform duty in connection with the Organized Reserves. There are no officers of the other components of the Army of the United States performing similar duties in an active-duty status and receiving any pay or allowances from the United States.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

ALLEGED COOLIDGE ECONOMY

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed therein an address delivered on Saturday night last by my colleague Mr. KINCHELOE over the radio.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Speaker and gentlemen of the House, under the unanimous-consent request granted me by the House to-day I am inserting herewith a speech made over the radio at station WRC, Washington, D. C., on Saturday night, February 27, 1926, by my colleague, DAVID H. KINCHELOE, which is as follows:

My fellow countrymen, it is a great honor to have this privilege of addressing so many American citizens upon governmental affairs, in which I am sure you are all interested. I take this opportunity to publicly express my thanks and appreciation to the WRC for giving me this privilege.

The Democratic Party is the oldest party in the history of this Republic. It has been at the birth and has sung the funeral dirge of every political party that has come and gone. It has been 137 years since George Washington was elected the first President of the United States and from that time to now there have sprung up in this country 20 different political parties. During that time the Federalist Party has controlled the Government 12 years, the Whig Party 8 years, the Republican Party 49 years, and the Democratic Party 68 years. From Washington to Coolidge the Democratic Party has either been in control of the Government or at all times the dominant minority party.

This country has expanded more in territory and made more industrial progress under a Democratic administration than under any other. The personnel of its citizenship has been more prosperous and happy. The Democratic Party does now and has always believed in a tariff for revenue only. To hear some of the Republican spellbinders speak you would think the Republican Party has a corner on the tariff, while the truth is the Democratic Party passed tariff laws long before the Republican Party was ever born. A high protective tariff, such as advocated by the Republican Party has never brought prosperity to anyone in this country excepting the manufacturers, who are its direct beneficiaries.

Every financial panic this country has ever had has occurred under a Republican high-protective tariff. The panic of 1873 came when the Morrill tariff bill was on the statutes, the 1893 panic when the McKinley tariff bill was on the statutes, and in 1907, when the Dingley bill was in effect.

When Woodrow Wilson was elected President in 1912 we had an archaic, panic-breeding banking act, enacted by a Republican administration. The farmers of the country had no place to go for a loan on their farm lands excepting to the banks and a few life-insurance companies, and no good roads law was on the statutes. Shortly after this great President and a Democratic Congress went into power this administration enacted a great Federal reserve banking act, the farm loan act, and a good roads act. In my judgment had not this great Federal reserve banking act been a law when we were suddenly thrown into war on the 7th of April, 1917, we would have had the worst financial panic this country ever had, and it is a question whether we could have won the war.

Prosperity was never so universally distributed as it was during the eight years of Wilson's administration, yet during the campaign of 1920 the Republican orators went to the country and said the laboring men were not receiving enough wages for their labors, and the farmers were not receiving enough for their products, and there should be a change in the administration of the Federal Government, and by reason of innumerable causes—most of them incident to the war—a Republican President and Congress were elected by an overwhelming majority. I am sure every American farmer at least will agree with me that there has been a change, and this change has been a sad experience to him.

After President Harding was inaugurated a Republican Congress undertook to assist the farmers by passing an emergency tariff bill on agricultural products, and later passed the Fordney-McCumber tariff bill, and from the hour the emergency tariff bill went into effect until now the prices of the farm products have almost universally continued to decline.

President Harding died during his term, and President Coolidge became the President of the United States on August 2, 1923, and was elected to a full term in November, 1924. There has been a well-organized propaganda going over the country that President Coolidge has decreased the expenses of the Government and that economy is his watchword both day and night. I would not say anything disrespectful of the great office of President, nor of the President who occupies that position, but I want to show to you in a little while that not only has there not been any economy in the expenditures of the Government under the Coolidge administration in the last three years but, on the other hand, there has been an increase in expenditures every year.

In 1924 there were expended $3,506,677,715.34. In 1925 there were expended $3,529,643,466.09, which was an increase in expenditures in the amount of $22,965,750.75. In 1926 it is estimated that there will be spent $3,618,675,186, which will be an increase in expenditure for the year 1926 over the year 1925 of $89,031,719.91, and the total expenditure of 1926 will be increased over that of 1924 by $111,997,476.66. This is what you might call economy with the reversed English.

Also there is great publicity given to the fact that the President of the United States is cutting down the number of Government employees constantly and rapidly. This is as untrue as the statement that he is cutting down expenses of the Government. In the hearings on the independent offices appropriation bill for 1927, pages 102 to 105, inclusive, is shown the number of the Government employees from December 31, 1923, up to June 30, 1925. And remember that President Coolidge went into office in August, 1923. These tables show that on December 31, 1923, there were 544,671 civil-service employees in the employ of the Government. On December 31, 1924, there were 555,619 civil-service employees, which is an increase of 10,948. On June 30, 1925, there were 564,718 civil-service employees, which was an increase since December 31, 1924, of 7,099. So we see that the number of civil-service employees has increased since December 31, 1923, to June 30, 1925, 20,047. This is what I call imaginary economy, or economy for political purposes only.

It is an old but a true saying that charity begins at home—let's see about the expenditures for the Executive office, which consists chiefly of the salaries of the President and Vice President, and the maintenance of the White House. In 1921 at the close of Wilson's administration, the cost of the Executive office, which includes salaries of the personnel employed by the President in the office, was $197,000. In 1923, the beginning of the fiscal year that President Coolidge assumed office, the cost of the Executive office was $349,000, or an increase of $152,000 over the last year of Wilson's administration. In 1926, the present year, the estimated cost of the Executive office will be $483,000, an increase of $286,000 over the last year of Wilson's administration and an increase of $134,000 over the amount spent in 1923, the first year of President Coolidge's administration.

As you perhaps know, for the last several years Congress has appropriated $25,000 a year for the President to be used by him for traveling expenses. I am very much for this appropriation, because I think the President should travel over this country as much as his official duties will admit and mix and mingle with the American people as often as he can, and the expense of these trips should be paid by the Government. When he travels he should, I think, go on a special train, which should be thoroughly protected in every detail and his safety looked after in every way possible. You will remember when President Coolidge a year or two ago went to the stock show in Chicago to deliver an address he rode in a compartment instead of on a special train, and traveled in this manner in the name of the ever-fascinating word "economy." The press of the country heralded the fact that the President, in the interest of economy, was traveling in a compartment. The public had a right to think that the President was practicing real economy in spending this item allowed him by law. I want you to know that in the first appropriation bill containing this item passed by a Republican administration after Mr. Harding became President this $25,000 railroad item was amended so as to include the words "official entertainment." Now, let me show you how much real economy has been practiced by President Coolidge with this item. In the year 1924—his campaign year, remember—under this item of traveling expenses and official entertaining President Coolidge spent $33,500, thereby exceeding the appropriation authorized by law for this year $8,500. In 1925 he spent $23,427; in 1926 it is estimated that he will spend $23,407. In other words, for the years 1924, 1925, and 1926 President Coolidge will spend several thousand dollars more than any other of his predecessors in the same length of time.

You know the Director of the Budget, General Lord, boasted of his "2 per cent club," a club which he said was composed of departments and independent establishments of the Government which had promised and had actually carried out the promise of reducing their expenditures 2 per cent. As Congressman BYRNS said on the floor of

the House the other day, I would respectfully suggest that the Director of the Budget send one of his blanks to the White House and solicit membership there, for I know of no other department of the Government where membership in this club is needed more than at the White House. If the President really wants to practice economy in his administration, he should abolish many of the Government bureaus, thereby dispensing with the services of many of the faithful of the party and dissolving this bureaucratic Government that is constantly pyramiding under his administration and get the Government back to the people.

You will remember that we have on the statute books of the United States a law establishing a Federal Trade Commission, whose business it is to control monopolies and to expose and prosecute violations of the antitrust laws. This is supposed to be a bipartisan commission. This Federal Trade Commission several months ago filed a report charging that the Aluminum Trust, of which the Secretary of the Treasury, Mr. Mellon, is a dominant figure, had violated the United States court decree repeatedly and the Clayton antitrust law, and the then Attorney General Stone—afterwards appointed by President Coolidge to the Supreme Court—in a very large measure agreed to the findings of the Federal Trade Commission. The Federal Trade Commission later failed and refused to give its files to the Attorney General. A resolution was introduced in the Senate to investigate the Aluminum Trust and the failure of the Federal Trade Commission to turn its files over to the Department of Justice. Since then the Department of Justice, through Attorney General Sargent, has made a finding and rushed into print saying that the Aluminum Trust is guiltless.

Think of a commission which was created for the purpose of the control of monopolies and for exposure and prosecution of violation of the antitrust laws, refusing to turn over to the Department of Justice its files, which were the result of its investigation. The resolution of Senator WALSH demanding an investigation of the Aluminum Trust was killed in the Senate yesterday by the Republican Senators. Of course this administration does not want an investigation of this business any more than the Republican leaders wanted an investigation of the transactions of Secretary Fall, with Sinclair and Doheny, or of the impossible Daugherty, or the unspeakable Forbes. Everyone has known that the Aluminum Trust, dominated by Secretary Mellon, is not going to be prosecuted by this administration. You know when "Mr. Andy" speaks all get silent in this administration from the President down. In justice to Attorney General Sargent I will say that I do not think he has found out yet what this is all about down here in Washington.

The Democratic administration, when it was in power, passed a law creating a bipartisan Tariff Commission for the purpose of dealing with tariff not as a political issue but as an economic proposition. But the personnel of this commission has been so changed by President Coolidge that everyone knows that as now constituted it is a partisan commission and will act only in a way that coincides with the President's views upon the tariff.

You will remember that the term of one of the Democratic tariff commissioners expired during the recess of Congress. It has been charged and not denied that President Coolidge summoned this Democratic member of the commission to his office and told him that he would give him the recess appointment on this commission provided this commissioner would then and there hand him his resignation, to be effective at the pleasure of the President. I am glad to state that this patriotic American and stalwart citizen refused to hand the President his resignation.

My friends, if the President of the United States will undertake to bring pressure upon a member of the Tariff Commission by demanding his resignation before he appoints him, is not it just as feasible that he demand the same either of a United States judge or a United States district attorney before he appoints him? This commissioner's services have long since been dispensed with by the President and the personnel of the commission is being made up of men who are for a high protective tariff. The high purpose for which this commission was created has been prostituted and as at present constituted I do not think that this commission is of any service to the Congress of the United States or the American people.

The American people will have an opportunity at the next November election to choose Members of Congress and a third of the United States Senators, and if the great mass of American people will lay down their political prejudices and vote for their own interests I have no doubt that we will have a Democratic Congress and Senate which will be a forcible forerunner for the presidential campaign of 1928, at which time a Democratic President and a Democratic Congress should be elected to restore the rights of the people and repeal discriminatory legislation of every kind and character.

ORDER OF BUSINESS

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to make an inquiry relative to the business of the day. This is Consent Calendar day. Many Members wish to know about any suspensions that may be coming on. Will there be any suspensions to-day?

The SPEAKER. The Chair has agreed to recognize the gentleman from Maryland [Mr. HILL] to move to suspend the rules and pass a bill authorizing the War Department to sell certain lands. It is the intention of the Chair to proceed with the Consent Calendar until about 4 o'clock and then recognize the gentleman from Maryland [Mr. HILL].

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

LEAVE TO SIT DURING SESSIONS OF THE HOUSE

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have leave to sit continuously until the impeachment proceedings relative to Judge English shall be completed.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on the Judiciary may be permitted during the sessions of the House for the completion of the consideration of matters relating to the impeachment of Judge English. Is there objection?

Mr. BLANTON. Mr. Speaker, I do not intend to object, but I would like to ask the gentleman if that contemplates sitting outside the city of Washington?

Mr. GRAHAM. Not at all.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COMPLETION OF THE MEMORIAL TO THE UNKNOWN SOLDIER

The first business in order on the Consent Calendar was (H. J. Res. 83) to authorize the completion of a memorial for the unknown soldier.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration?

Mr. BACON. Mr. Speaker, owing to the sickness of the chairman of the Committee on the Library I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that this bill go over without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS THE SUSQUEHANNA RIVER

The next business on the Consent Calendar was the bill (H. R. 3794) granting the consent of Congress to the counties of Lancaster and York, in the State of Pennsylvania, to jointly construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.

The Clerk read the title of the bill.

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

NATURALIZATION OF CERTAIN WORLD WAR VETERANS

The next business on the Consent Calendar was the bill (H. R. 7176) to supplement the naturalization laws by extending certain privileges to aliens who served honorably in the military or naval forces of the United States during the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BACON. Mr. Speaker, I ask unanimous consent to substitute the bill H. R. 9761, the bill on the Consent Calendar, No. 179.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, has this bill been favorably reported by the House committee?

Mr. BACON. The bill I am asking to be substituted is a bill which was unanimously reported from the Committee on Immigration and Naturalization, and is the same as this bill. It contains two clarifying amendments. The gentleman from Texas will bear me out, I think.

Mr. BOX. What was that?

Mr. BACON. I merely asked unanimous consent to substitute the bill H. R. 9761 for the bill just reported.

Mr. BOX. It is exactly like the one passed on by the House committee?

Mr. BACON. It is exactly the same as the one which was unanimously reported the other day.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The bill was read, as follows:

Be it enacted, etc., That any alien not ineligible to citizenship who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not at any time during such period or thereafter separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall, if residing in the United States, be entitled to naturalization upon the same terms, conditions, and exemptions which would have been accorded to such alien if he had petitioned before the armistice of the World War, except that such alien shall be required to appear and file his petition in person and to take the prescribed oath of allegiance in open court.

SEC. 2. The provisions of this act shall cease to be effective at the expiration of five years from the date of the approval of this act.

The bill was ordered to be engrossed and read the third time; was read the third time and passed.

A motion to reconsider the last vote was laid on the table.

The House bill of similar tenor was laid on the table.

TO AMEND THE NATIONAL DEFENSE ACT IN RELATION TO RETIREMENT OF OFFICERS

The next business on the Consent Calendar was the bill (H. R. 3995) to amend the national defense act, approved June 3, 1916, as amended by the act of June 4, 1920, relating to retirement.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANTHONY. Mr. Speaker, reserving the right to object——

Mr. BLACK of Texas. Mr. Speaker, reserving the right to object, I wish to make this statement: Some gentlemen on this side of the House objected to the passage of this bill unless it is amended, and we have agreed upon an amendment which we have submitted to the gentleman from Texas [Mr. WURZBACH], and if the gentleman will agree not to oppose the amendment we will not object to the consideration of the bill and will offer the amendment, and for information of Members I will read it:

At the end of the bill strike out the period, insert a comma, and add the following language: "But in no case to exceed the amount of retirement pay which he would receive had he remained in the service until he reached the age of 64 years."

In other words, the purpose of the amendment is not to allow an officer to retire and receive a greater amount of retirement pay than he would if he served until he reached the age of 64 and retired under the provisions of the bill by which he would receive 4 per cent multiplied by the number of years he was in the service. I think this would be substantial justice to the men and would also be substantial justice to the Government.

Mr. WURZBACH. I want to say to the gentleman from Texas [Mr. BLACK], if the gentleman will yield to me, I will not object to the amendment.

Mr. BLACK of Texas. Very well.

Mr. ANTHONY. Will the gentleman yield?

Mr. BLACK of Texas. I yield to the gentleman.

Mr. ANTHONY. It is all very well for the gentleman to say he will not object to the amendment, but when the bill leaves this House and goes to another one, and the amendment is stricken out, and the conferees agree to the original provisions of the bill, we will have to fight it all over again, and in the adoption of the conference report those who are opposed to the principle of the bill will be powerless to object to it. What assurance can the gentleman give the House that the amendment will remain in the bill?

Mr. BLACK of Texas. Of course, I do not know that I could give the gentleman any assurance——

Mr. ANTHONY. What assurance can the gentleman give that this provision will be in the conference report when it finally comes to us?

Mr. BLACK of Texas. The gentleman might be able to get some assurances out of the gentleman from Texas [Mr. WURZBACH].

Mr. WURZBACH. If I should be one of the conferees, I would stand by the amendment.

Mr. BLACK of Texas. I felt sure the gentleman would.

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I want to say this bill should not pass in the shape it is in. I was a member of the committee that helped write the reorganization act, and I wrote the language under which men who were given commissions at the close of the war, who had reached the age of 45 and over, were limited in their retirement privileges to receiving 4 per cent of their salary for each year of service they rendered the Government. We recognized, and these men recognized, that they had reached an age of 45 or 50 or 55, which many of them had reached, when in a few years practically all of them could go on the retired list of the Army if they felt so inclined. It is a well-known fact that most men after reaching the age of 50 or 55 have some ailment which a retiring board will find and which will make them eligible for retirement, and therefore in order to protect the Public Treasury, in giving these older men a chance to receive commissions in the Army, we expressly put on this limitation, which it is now proposed to override.

Mr. BEGG. Will the gentleman yield?

Mr. ANTHONY. I want to say one thing more before I yield.

Several times Members of this House have criticized the growing amount of money we are paying out to retired officers of the Regular Army, and yet the House on every occasion like this seems to fall over itself in continuing to load down the list by passing legislation of this kind. Only the other day the Veterans Committee of the House reported out a bill which is on the calendar that will add millions to this list; and if we do not watch what we are doing, gentlemen, we are going to make the retired list of the Army a scandal and a disgrace to the Government.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. ANTHONY. I yield.

Mr. LAGUARDIA. The gentleman does not mean that the bill reported out from the Veterans' Committee to which the gentleman refers will add millions and millions of dollars?

Mr. ANTHONY. Yes; in the end it will add millions of dollars to the list.

Mr. BLANTON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BLANTON. With regard to what will happen in another body and also in conference and thereafter, I think the gentleman has spoken with the wisdom of Solomon.

Mr. ANTHONY. I thank the gentleman.

Mr. BEGG. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. BEGG. When this bill was originally drafted, providing for this 4 per cent of their retired pay for each year of service, was it not generally understood by this particular class of men that they were being fairly treated and were being given what they were entitled to?

Mr. ANTHONY. I do not think there is any question about its being generally understood by them that they were being fairly treated.

Mr. BEGG. Then, why does not the gentleman just stop it?

Mr. ANTHONY. I think Congress went a long way when they made these men eligible to receive commissions in the Regular Army.

Mr. BEGG. Why does not the gentleman stop this legislation?

Mr. ANTHONY. I tried to stop it, and last year I made the best fight I could against it, but other gentlemen would not listen to me.

Mr. BEGG. The gentleman has an excellent opportunity now.

Mr. WURZBACH. Mr. Speaker, I do not think this is the proper time to enter into a discussion of the merits of this bill. During the last Congress it was discussed on the floor, and, so far as the 4 per cent limitation is concerned, I think it was intended that that 4 per cent limitation was to apply only in case of retirement on account of age. There seems to be a conflict of opinion upon that point. The report shows that Senator WADSWORTH stated he had something to do with this legislation and that it was his understanding the 4 per cent limitation was only to apply in case of retirement for age.

Mr. ANTHONY. The gentleman knows that many of these men were more or less disabled, from a physical standpoint, when they accepted these commssions. They were not all of them absolutely sound men, fit for commissioning in the Regular Army. Their age alone would have prevented.

Mr. WURZBACH. I understand exactly the contrary.

Mr. ANTHONY. They were given this opportunity to get commissions in the Army because of the service they had rendered during the war, possibly not at the battle front, but here in Washington, which, of course, was valuable service.

Mr. BEGG. How many of them are there?

Mr. ANTHONY. Two hundred and some odd, I believe.

Mr. WURZBACH. Two hundred and twenty-six.

Mr. ANTHONY. I do not believe, Mr. Speaker, we ought to pass legislation of this kind by unanimous consent, and I intend to object to it.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. ANTHONY. I object.

RECLAMATION OF LAND ADJACENT TO THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Reserving the right to object, I want to be sure that I properly understand what it involves. As I understand it is proposed to reclaim by the construction of a dike about 4,000 acres, 3,400 of which belong to the whites and 600 to the Indians, at a cost of about $16 an acre. After it is reclaimed it is estimated that the land will be worth $200 to $450 per acre. Am I correct in that understanding?

Mr. HADLEY. Yes. I am familiar with the land and I know that if it is reclaimed in the manner proposed that it will be of great value.

Mr. CRAMTON. Six hundred acres belong to the Indians.

Mr. HADLEY. I think the $400 value will be in the 600 acres adjacent. The reason for including the 600 acres is that it reduces the unit cost.

Mr. CRAMTON. Has there been any report on this by the engineers?

Mr. HADLEY. Yes; a very full investigation, survey, and report. That is in the Indian Bureau. A statement was made upon it before the Indian Affairs Committee and the engineer was present, although he was not called upon to testify. I made a statement in regard to it.

Mr. CRAMTON. I notice that we are going to advance the money to reclaim it. It is not worth much now to the Indians or the whites. The whites have 20 years to repay at an interest of 4 per cent. They will have to pay about 75 cents a year per acre for 20 years. Does not the gentleman think that we are a little more generous in time than we need to be?

Mr. HADLEY. That is the way it is proposed having regard for the interest of the Indians. They are very poor.

Mr. CRAMTON. I am not talking about the Indians.

Mr. HADLEY. Yes; I know. But I do not think we ought to discriminate.

Mr. CRAMTON. I am not going to object, but I may offer an amendment, however.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (H. R. 60) for the purpose of reclaiming certain lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington, and for other purposes

Be it enacted, etc., That there is hereby authorized to be appropriated the sum of $65,000, or so much thereof as may be required, for reclaiming by construction of dikes approximately 4,000 acres of lands in Indian and private ownership within and immediately adjacent to the Lummi Indian Reservation, in the State of Washington: *Provided*, That the total cost of the project shall be distributed equitably among the lands in Indian ownership and the lands in private ownership that may be benefited in accordance with the benefits received as designated by the Secretary of the Interior.

SEC. 2. The construction charge properly assessable against the Indian lands shall be reimbursed to the Treasury of the United States under such rules and regulations as the Secretary of the Interior may prescribe, and there is hereby created a lien against all such lands, which lien shall be recited in any patent issued therefor prior to the reimbursement of the total amount chargeable against such lands.

SEC. 3. No part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract in accordance with the terms of this act and in form approved by the Secretary of the Interior shall have been properly executed by the landowners whose lands may be benefited by the project.

SEC. 4. The Secretary of the Interior is hereby authorized and directed to declare by public notice the cost of the project and the equitable share to be assessed against the lands benefited in accordance with their respective benefits, which cost shall be repaid in annual installments, the first installment to be 5 per cent of the total charge and be due and payable on the 1st day of December of the third year following the date of such public notice, the remainder of the said cost with interest on deferred amounts against land in private ownership from the date of said public notice to be 4 per cent per annum, to be payable on each December 1 thereafter, on the same basis as the first installment, until the obligation is paid in full.

SEC. 5. The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

APPROPRIATION FOR ROAD ON THE LUMMI INDIAN RESERVATION, WASH.

The next business on the Consent Calendar was the bill (H. R. 61) to authorize an appropriation for the construction of a road on the Lummi Indian Reservation, Wash.

The Clerk read the title to the bill.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

HOMESTEAD CLAIMS IN ALASKA

The next business on the Consent Calendar was the bill (H. R. 3953) to authorize a departure from the rectangular system of surveys of homestead claims in Alaska, and for other purposes.

The SPEAKER. Is there objection?

Mr. BEGG. Reserving the right to object, if this bill (H. R. 3953) passes it amends the homestead laws applying to Alaska. Does it mean that if a man wants a homestead or piece of property and there is a mountain or bad hill or a rocky stretch of territory through it, that he can go around it in any old shape and take up a piece of property and follow the valley?

Mr. SUTHERLAND. That is not the purpose; this has to do with the topography of Alaska. There are sections where by reason of the topography it is impossible to obtain a rectangular piece of land.

Mr. BEGG. If the bill is enacted, they can do what I have just stated. Can not a man go out and make any shaped piece of territory he pleases to remedy it?

Mr. SUTHERLAND. No; the Land Office would not permit that.

Mr. LAGUARDIA. The bill provides that it is only when the topography makes it necessary.

Mr. BEGG. I understand that.

Mr. LAGUARDIA. That question was raised in the committee, and the bill provides that it is only where it is necessitated by the natural topography or condition.

Mr. BLANTON. Dr. Herbert Work, Secretary of the Interior, says that the bill is meritorious and ought to pass.

Mr. BEGG. I understand that, and before the session is over Secretary Work will send in a recommendation for the passage of a bill to add to or detract from some piece of land under these conditions. We are passing that kind of bills all the time. I am wondering if this will not do the very thing we are trying to modify under the old law.

Mr. BLANTON. But whose recommendations are we going to take here respecting land? The head of the department under whose jurisdiction the lands are or somebody else?

Mr. BEGG. We can use our own judgment, somewhat, with the information that is available.

Mr. ARENTZ. Mr. Chairman, will the gentleman yield?

Mr. BEGG. Yes.

Mr. ARENTZ. I appreciate the reason for the gentleman's questioning this bill, but it came out very plainly in the committee that the Secretary of the Interior fully guaranteed the provisions of the bill—the last three lines provide that the Secretary of the Interior is authorized to make all necessary rules and regulations to carry the act into full force and effect. If a man makes application for a piece of land along the coast, or at the base of a mountain, or in a valley at the base of a chain of mountains, he makes the application to the nearest United States land office. They send out an inspector and he comes back and says that he thinks that under the circumstances the land should be surveyed according to this bill. Instead of a United States surveyor general examining into it, because they no longer exist, the chief clerk of that division or one of the surveyors attached to the local land office belonging to the General Land Office examines into it, surveys it, and it comes before the Secretary of the Interior for signing. I think it is amply provided for. I questioned this bill when it came before the committee, as the chairman of the committee can state, but after it was explained to me I thought it quite satisfactory.

Mr. BEGG. I should have thought the bill would have been better protected. I am not going to object or take up any more time, but I still think if the bill had been so drawn as to make it apply to shoreline land only you would have had it better

protected. As it is to-day I can not see any reason why if the Interior Department wants to do it they can not grant a man a piece of property anywhere in the interior eliptical in shape, hexagonal in shape, or any other shape.

Mr. LEAVITT. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. LEAVITT. This is to allow in Alaska, which is a mountainous country, the same thing which is being done now within the national forests.

Mr. BEGG. That is what I pointed out.

Mr. LEAVITT. And in order to give a man enough agricultural land to make a homestead upon which to make a living it is necessary to follow in a mountainous country the irregularities of the country. If you do not do that, the section line may run up the side of a cliff.

Mr. BEGG. Have we not passed no less than, I will say, 6 bills, though perhaps 60, in this body in the last Congress authorizing the Government to trade public-domain land for privately owned land in order to square up boundary lines?

Mr. LEAVITT. That is to square the boundaries of national forests.

Mr. BEGG. Out in Alaska it is all national land.

Mr. ARENTZ. If the gentleman will notice the bills that have passed along the line he has mentioned, he will find that they are quarter sections and half sections and full sections.

Mr. BEGG. They are zigzag.

Mr. ARENTZ. No meander line. This can be narrow or wide.

Mr. DENISON. Mr. Speaker, I demand the regular order.

Mr. BEGG. Then I object, if I can not have any information.

Mr. DENISON. I understood the gentleman said he was not going to object. I withdraw the demand for the regular order.

Mr. BEGG. I withdraw my objection then.

Mr. SUTHERLAND. I want to say to the gentleman that all important agricultural sections in Alaska—that is, large areas of agricultural land—are under survey, with a base line, and divided into sections. You do not assume that the Interior Department is going to divide those sections up under this provision so that they could develop their rectangular system, but on the coast of Alaska, where a man wants to homestead a little point of land——

Mr. BEGG. Why was not the bill drawn to cover that particular thing?

Mr. SUTHERLAND. The assumption is that the Department of the Interior will care for that. They are not going to permit a general departure from an established system.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, further reserving the right to object, the committee was given the assurance that the purpose of the bill was not to permit meandering or taking any irregular form of land for any reason except where the topographical conditions made it absolutely imperative to do so.

Mr. SUTHERLAND. Yes. The section that calls for this bill is Kodiak Island, Alaska, and if the gentleman will look at a chart of that island he will see that it is all points and indentations everywhere, but there is some fertile land in places, and men have really located there and have not been able to prove up to patent because of the formation of the land, and they could not take any rectangular piece without going out into the ocean, and, of course, that would not be permitted.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of May 14, 1898 (38 Stat. L. p. 409), extending the homestead laws to Alaska, and the act of March 3, 1903 (32 Stat. L. p. 1028), amendatory thereof, in so far as they require that the lands so settled upon, or to be settled upon, if unsurveyed, must be located in rectangular form by north and south lines running according to the true meridian, and marked upon the ground by permanent monuments at each of the four corners; and the provisions of the act of June 28, 1918 (40 Stat. L. p. 632), in so far as they require that surveys executed thereunder, without expense to the claimant, must follow the general system of the public land surveys, shall not apply where, by reason of the local or topographic conditions, it is not feasible or economical to include in a rectangular form with cardinal boundaries the lands desired; but all such claims must be compact and approximately rectangular in form, and marked upon the ground by permanent monuments at each corner, and the entryman or claimant shall conform his boundaries thereto. In all other respects the claims will be in conformity with the provisions of the aforesaid acts.

SEC. 2. That if the rectangular system of the public land surveys has not been extended over the lands included in a soldier's additional homestead entry, authorized by the aforesaid act of May 14, 1898, as amended by the act of March 3, 1903, or a trade and manufacturing site authorized by section 10 of the first-named act, the entryman or claimant may, upon the approval of the register and receiver, make application to the United States surveyor general for an official survey of his claim, accompanied by a deposit of the estimated cost of the field and office work incident to the execution of such survey. Upon receipt of the application and its accompanying deposit the surveyor general will immediately issue appropriate instructions for the survey of the lands involved, to be executed by the surveying service of the General Land Office not later than the next surveying season under the direction of the supervisor of surveys, unless by reason of the inaccessibility of the locality or other conditions the supervisor of surveys decides that it will result to the advantage of the Government or claimant to have the survey executed by a United States deputy surveyor, in which event the laws and regulations now governing the execution of the surveys by United States deputy surveyors will be observed.

SEC. 3. The sum so deposited shall be held by the surveyor general and may be expended by him in payment of the cost of such survey, including field and office work; and any excess over the cost of the survey shall be repaid to the depositor or his legal representative. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into full force and effect.

With the following committee amendments:

Page 2, line 22, strike out the words "United States surveyor general" and insert in lieu thereof the words "public survey office."

Page 3, line 2, strike out the words "surveyor general" and insert the words "public survey office."

Page 3, line 15, strike out the words "surveyor general" and insert the words "public survey office."

Page 3, line 16, strike out the word "him" and insert the word "it."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENDING RELIEF TO SETTLERS AND ENTRYMEN ON BACA FLOAT NO. 3, ARIZONA

The next business on the Consent Calendar was the bill (H. R. 5210) extending the provisions of act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, reserving the right to object, why in this period of three years the people who had falsely entered this had not exercised that right?

Mr. HAYDEN. Falsely?

Mr. BEGG. Well, mistakenly. They would have been all right except for the Supreme Court's decision, and it knocked them out. Now, they have been given the three years; why have they not been able to exercise the right?

Mr. HAYDEN. The difficulty is the public lands in Arizona have been picked over for the last 50 years, and it is difficult to find any suitable land for them to select. Most of them are poor people and not equipped for traveling around over the State and hunting up those things, and they claim the time was too short under the original act, and the equities of the case seem to be such that no harm can come to anybody by allowing them to go and select.

Mr. BEGG. They are not on this land now?

Mr. HAYDEN. No; they were ejected.

Mr. BEGG. Where are they?

Mr. HAYDEN. In the neighborhood, Nogales, and some scattered in different parts of the State. It is a tremendous hardship. Eighteen had obtained patents when——

Mr. BEGG. I understand that. I do not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the time within which to make selections and entries under the provisions of the act of July 5, 1921 (42 Stat. L. p. 107), entitled "An act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona," is hereby extended for a period of two years from the approval of this act.

The bill was ordered to be engrossed and read the third time; was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SANTA YSABEL INDIAN RESERVATION, CALIF.

The next business on the Consent Calendar was the bill (H. R. 8186) to authorize the Secretary of the Interior to purchase certain lands in California to be added to the Santa Ysabel Indian Reservation and authorizing an appropriation of funds therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I feel that I shall be obliged to object. This bill proposes to purchase 573 acres of land at $25,000, contiguous to the existing Indian reservation. That is about $50 an acre. The existing reservation is said to be land unsuitable for any productive purposes in the main, and that some of these Indians have been using some of this land for productive purposes. As I understand there are 193 Indians on this reservation, men, women, and children. This is really to spend about a thousand dollars a family in buying this land and giving it to them. They are to use the land. The land, I am advised, has a few garden spots, and it is in the main valuable only for winter grazing purposes, and they are using it for that purpose now. They have got about 300 head of stock, and that is about all they will have if we transfer to them the title to the land they are now using without right. I can not feel that this is a proper expenditure of money to that extent, and therefore I shall have to object.

Mr. SWING. Will the gentleman withhold his objection?

Mr. CRAMTON. Very briefly. I do not desire to consume much time.

Mr. SWING. I take it the gentleman wants some information?

Mr. CRAMTON. Yes.

Mr. SWING. I am familiar with this situation; I have been all over the land.

Mr. CRAMTON. All right.

Mr. SWING. It is a wonder there are 191 of these Indians left, the Government having put them out on the barren hillsides and told them to make a living there hunting jack rabbits. It was through the indulgence of this rancho that they were permitted to raise anything at all, and they are residing as trespassers on the land which is now in dispute and covered by this bill.

Unless otherwise disposed of, their horses are bound to starve to death if the law takes its course and they are ejected from the land which they have been occupying.

Mr. CRAMTON. Let me ask the gentleman a question because what I want is concrete information, if the gentleman will permit.

Mr. SWING. Yes.

Mr. CRAMTON. Is this land, consisting of 573 acres, worth $50 an acre to anybody?

Mr. SWING. It is worth more than that. It is good, fertile, valley soil and the company is offering to sell it in order to get rid of the hostility of these Indians. Since they began these ejectment suits, the Indians have been roiled up, have cut the fences, have let the company's cattle out and have let their horses in.

Mr. CRAMTON. I can see why the company would want to sell it for $25,000, but having been advised by the Indian Office that the report indicates that except for occasional spots suitable for garden purposes, in the main it is only suitable for grazing purposes, I am unable to see how it is worth $50 an acre, and I am wondering whether we are including in the $25,000 something by way of compensation to this ranch company for past troubles.

Mr. SWING. Nothing at all. The price figures out $43.50 an acre, and I do not know where you can get land in California for $43.50 an acre.

Mr. CRAMTON. You could get land similar to what the Indians have already got for less than that.

Mr. SWING. Yes; up on the mountainside. That is what the Indians have, but the part which they have been occupying, while they have only used it for grazing, yet it is fertile and is capable of raising almost any kind of crops.

Mr. CRAMTON. If the gentleman will bring something here that will show that the land can be used for raising crops, I will not object, but my information is that the report on file in the Indian Office is to the effect, it is not suitable for cultivation and only suitable for grazing.

Mr. BLANTON. Will the gentleman yield?

Mr. CRAMTON. Let me suggest to the gentleman that he let the bill go over and get some definite evidence to show the land is worth this price.

Mr. SWING. If the gentleman will not take my statement for it, and I have been over the land, I do not know whose statement the gentleman would be inclined to take.

Mr. CRAMTON. I do not know that the gentleman is a soil expert or an agricultural expert.

Mr. SWING. I was raised on a farm and I know about land.

Mr. CRAMTON. But the report on file in the Indian Office ought to have a good deal of weight with us.

Mr. LEAVITT. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LEAVITT. The bill in this case is brought here at the request of the department and Indian Bureau.

Mr. CRAMTON. Yes.

Mr. LEAVITT. And this morning's Post, for example, carries a criticism of the Indian Bureau presumably for failing to protect the rights of the Indians.

Mr. CRAMTON. Yes; and the gentleman is just as familiar with that as I am. I suppose the gentleman refers to the new organization perfected?

Mr. LEAVITT. Yes.

Mr. CRAMTON. The gentleman is just as familiar as I am with the absolute lack of credence that should be accorded to that organization.

Mr. LEAVITT. Yes; I understand the entire situation.

Mr. CRAMTON. The gentleman knows just how it is formed and what it represents.

Mr. LEAVITT. I understand all that, and here is a place where the Indian Bureau shows absolute efficiency. It faces a situation that will make absolute paupers out of this tribe of Indians if the Government does not rectify an error in surveys made many, many years ago, and give these people this land, which has always been their home. When the bureau does attempt to do something constructive of this kind, I think the Congress, understanding the circumstances, ought to encourage them in it and help to bring it about.

Mr. CRAMTON. If the gentleman from Montana will permit, if this land we are to give them now is good land——

Mr. LEAVITT. It is good land.

Mr. CRAMTON. Then I would not object.

Mr. LEAVITT. It is good land.

Mr. CRAMTON. But I want to be certain we are doing something substantial for the Indians instead of doing something substantial for the ranch company.

Mr. LEAVITT. I will say in reply to the gentleman, as chairman of the Committee on Indian Affairs, that the committee gave this matter serious consideration and went into these different matters, and was satisfied that if this is not done, and should these people therefore be ejected from this land, it is going to make them a charge on the Federal Government, a charge on their community, and is going to make it impossible for them to be self-supporting and self-respecting; and further that the land is worth all and perhaps more than the ranch company is to be paid for it.

Mr. CRAMTON. What evidence was before the gentleman's committee as to the value of this land or the uses to which it could be put?

Mr. LEAVITT. Just the same statement as the one the gentleman from California [Mr. SWING] is making to-day, from the standpoint of personal acquaintance with the land, and also the fact that this is valley land at the foot of precipitous mountains.

The land in the boundaries of the Indian reservation itself consists of precipitous mountains that have no value except, perhaps, for the running of livestock in the middle of the summer. These Indians will be entirely deprived of their garden land and their farm land unless they secure this area.

Mr. HUDSON. Will the gentleman yield just a moment?

Mr. CRAMTON. In a moment. Mr. Speaker, I do not want to take unduly the time of the House; and if the gentleman who introduced the bill, the chairman of the Committee on Indian Affairs, and the gentleman from California want to take the responsibility for the expenditure, I shall not object.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. HASTINGS. Let me make this further inquiry if I may: I will ask the chairman of the Committee on Indian Affairs if this is not a department bill?

Mr. LEAVITT. It is.

Mr. HASTINGS. It was drawn by the department and was sent to the chairman for introduction, and the amount to be authorized to be appropriated is the amount recommended by the department itself.

Mr. LEAVITT. Yes.

Mr. CRAMTON. And if the gentleman will permit, it was from the department I was advised that the land is of no value beyond grazing.

Mr. HUDSON. Will the gentleman yield further?

Mr. LEAVITT. Yes.

Mr. HUDSON. Was it not also brought out that this is the only fertile land, or land that could be cultivated, that could be secured for these Indians there?

Mr. LEAVITT. That is true.

Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask some questions. The gentleman from California states he was raised on a farm, and therefore I know he knows something about grazing. How many head of stock does the gentleman think these Indians can graze on this land, consisting of 573 acres?

Mr. SWING. They have been grazing about 300.

Mr. BLANTON. But, according to the usual allotment in grazing land in that vicinity, it runs about 1 head to every 10 acres.

Mr. SWING. About one to the acre on this kind of soil.

Mr. BLANTON. I would like to ask the gentleman this further question: They want this land for grazing purposes, so that these Indians can graze their livestock?

Mr. SWING. That is what they have been taught to use it for.

Mr. BLANTON. That is what they have been taught to use it for; but does not the gentleman from California know that no one can afford to graze livestock on land that is worth $43.50 an acre?

Mr. SWING. They are using it for that purpose and also have their gardens on it.

Mr. BLANTON. I know, but they can not afford to do that.

Mr. CRAMTON. They can if it is given to them.

Mr. BLANTON. Oh, yes; but the department—not the gentleman from California—but the department which is supposed to know all about this land and which has these Indians in its charge has advised the gentleman from Michigan that this is grazing land pure and simple.

Mr. SWING. No; they recommend to Congress that this is land well worth the price which they are proposing to pay for it.

Mr. BLANTON. But the department has notified the gentleman from Michigan, who helps to hold the purse strings of the Treasury for the people, that this is grazing land pure and simple.

Mr. SWING. What would you have the Congress do with these wards of the American people? Would you have the Congress of the United States turn them back onto the barren hillsides to starve with their livestock?

Mr. BLANTON. The Government of the United States has plenty of grazing land to which it can give these Indians access, worth not over five or six or eight or nine dollars an acre, and it does not have to buy land at $43.50 an acre to give these Indians for grazing purposes.

Mr. SWING. I do not know where that land is. There is no such land there.

Mr. BLANTON. And the Government ought to give these Indians some proper land somewhere among its various preserves that is of less value and land that is strictly grazing land. That is what the Indians want. They want grazing land.

Mr. SWING. If the gentleman will suggest the place——

Mr. BLANTON. I hope the gentleman will let this bill go over and let us look into it.

Mr. TINCHER. If the gentleman will yield, I understood the gentleman from Texas to say that no grazing land was worth as much as $43 an acre.

Mr. BLANTON. No. I said that no stockman could afford to graze on land worth $43 an acre and stay in the business.

Mr. TINCHER. What is the difference between grazing on land worth $43 an acre where it only takes one acre for a steer and grazing on land worth $7 an acre where it takes 80?

Mr. BLANTON. Is the gentleman from Kansas for this bill?

Mr. TINCHER. I think, under the circumstances, that they ought to have the bill.

Mr. BLANTON. I have served with the gentleman for a long time and on last Saturday he proved to be a statesman. I withdraw my objection. [Laughter.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase a certain irregular tract of land, containing approximately 573 acres, in townships 11 and 12 south, range 3 east of San Bernardino meridian in California, situated adjacent to the Santa Ysabel Indian Reservation, the legal description and area of the tract to be accurately determined; said land when purchased to be added to and become a part of the Santa Ysabel Indian Reservation: *Provided*, That the sum of $25,000, or so much thereof as may be needed, is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated to cover the purchase price of the land and to defray the expenses necessarily incurred in connection therewith.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT OR NEAR FORT BENTON, MONT.

The next business on the Consent Calendar was the bill (H. R. 8040) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Missouri River at or near Fort Benton, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Chouteau, Mont., to reconstruct, maintain, and operate its existing bridge and approaches thereto across the Missouri River at or near Fort Benton, Mont., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE OUACHITA RIVER AT OR NEAR HARRISONBURG, LA.

The next business on the Consent Calendar was the bill (H. R. 8136) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask to take from the Speaker's table the bill S. 2785, identical with the House bill, and substitute it for the House bill.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to substitute for the House bill the bill S. 2785. Is there objection?

Mr. DENISON. Reserving the right to object, is this identical with the House bill?

Mr. WILSON of Louisiana. Yes.

Mr. DENISON. Was there any amendment made by the House committee?

Mr. WILSON of Louisiana. No; it is identical.

Mr. DENISON. I have no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain, and operate a bridge and approaches thereto across the Ouachita River, at a point suitable to the interests of navigation, at or near Harrisonburg, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill was laid on the table.

BRIDGE ACROSS BLACK RIVER AT OR NEAR JONESVILLE, LA.

The next business on the Consent Calendar was the bill (H. R. 8137) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that the bill S. 2784 may be substituted in place of the House bill. They are identical.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of Louisiana to construct, maintain,

and operate a bridge and approaches thereto across the Black River, at a point suitable to the interests of navigation, at or near Jonesville, La., and in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill was laid on the table.

BRIDGE ACROSS RED RIVER AT OR NEAR MONCLA, LA.

The next business on the Consent Calendar was the bill (H. R. 8463) to authorize the construction of a highway bridge across the Red River at or near Moncla, La.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Louisiana Highway Commission be, and is hereby, authorized to construct, maintain, and operate a highway bridge and approaches thereto across the Red River at a point suitable to the interests of navigation, at or near Moncla, in the parish of Avoyelles and State of Louisiana, in accordance with the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 3, after the word "That" insert the words "the consent of Congress is hereby granted to," and after the word "commission" strike out the rest of the line.

Page 1, line 4, strike out the word "authorized" and the word "highway."

Amend the title so as to read: "A bill granting the consent of Congress to the construction of a bridge across the Red River at or near Moncla, La."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The title was amended.

BRIDGE ACROSS BAYOU BARTHOLOMEW, MOREHOUSE PARISH, LA.

The next business on the Consent Calendar was the bill (H. R. 8598) granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, to construct a bridge across the Bayou Bartholomew at or near Point Pleasant, in Morehouse Parish.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at a point suitable to the interests of navigation, at or near Point Pleasant, in the parish of Morehouse, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "with," in line 10, page 1, of the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MONONGAHELA RIVER, ALLEGHENY COUNTY, PA.

The next business on the Consent Calendar was the bill (H. R. 8513) granting the consent of Congress to extend the time for one year to construct a bridge across the Monongahela River between the boroughs of Clairton and Glassport in the county of Allegheny, Pa.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Would it be in order under unanimous consent to consider these various bridge bills en bloc?

The SPEAKER. The Chair thinks it would be in order if there is no objection to that.

Mr. DENISON. Mr. Speaker, I will state to the gentleman from Texas that we are going to consider a number of bills in a few moments that are identical, and I shall ask that they be considered en bloc.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to extend the time for one year to the county of Allegheny in the Commonwealth of Pennsylvania and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at a point suitable to the interests of navigation, at or near the boroughs of Clairton and Glassport in the county of Allegheny, in the State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 3, after the word "the," strike out: "consent of Congress is hereby granted to extend the time for one year to the county of Allegheny, in the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto," and insert in lieu thereof, "times for commencing and completing the construction of a bridge authorized by act of Congress approved February 27, 1919, as amended by acts of Congress approved June 14, 1920, and February 12, 1925, to be built."

Page 2, line 3, after the word "at," strike out the words "a point suitable to the interests of navigation, at or near the boroughs of Clairton and Glassport," and insert in lieu thereof the words, "or near the borough of Wilson."

Page 2, line 6, after the word "Pennsylvania," strike out the words "in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1916," and insert in lieu thereof the words, "are hereby extended one and three years, respectively, from the date of approval thereof."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended to read as follows: "A bill to extend the time for the construction of a bridge across the Monongahela River at or near the borough of Wilson, in the county of Allegheny, Pa."

GEORGE WASHINGTON-WAKEFIELD MEMORIAL BRIDGE

The next business on the Consent Calendar was the bill (H. R. 8908) granting the consent of Congress to the George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, it seems to me that this bill ought to be amended somewhat. Has the gentleman from Virginia any amendment to offer?

Mr. MOORE of Virginia. I have not.

Mr. BLANTON. Of course, if the gentleman from Maryland [Mr. LINTHICUM] and the gentleman from Virginia [Mr. MOORE] are satisfied, I shall not raise any objection. It occurred to me that an amendment should be put in the bill to clarify it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted etc., That the consent of Congress is hereby granted to the George Washington-Wakefield Memorial Bridge, a corporation, chartered under the laws of the State of Virginia, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto and all appurtenances needed in connection therewith for use by pedestrians, animals, and vehicles adapted to travel on public highways, and at its option to construct such bridge so as to provide for the passage of railway trains or street cars, or both, across the Potomac River at a point suitable to the interest of navigation from a point in the vicinity of Dahlgren, in the northeastern end of King George County, in the State of Virginia, to a point south of Popes Creek, in the county of Charles, in the State of Maryland, in accordance with

the provisions of the act entitled, "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. There is hereby conferred upon the said George Washington-Wakefield Memorial Bridge, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, appropriate, occupy, possess, and use real estate needed for the location, construction, operation, or maintenance of such bridge and approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such land is situated, upon making proper compensation therefor, to be ascertained according to the laws of such State, and the proceedings therefor may be the same as in condemnation or appropriation of property for railroads or for bridges in such State.

SEC. 3. The said George Washington-Wakefield Memorial Bridge, its successors and assigns, are hereby authorized and empowered to fix and charge just and reasonable tolls for the passage over such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of tolls as provided in the act of March 23, 1906, and fix by contract with any person or corporation desiring the use of said bridge and approaches for the passage of railway trains or street cars, or for the placing of water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other purpose, the terms, conditions, and rates of tolls for such use, and in the absence of such contract the terms and conditions of rates of tolls for such use shall be determined by the Secretary of War as provided in the act of March 23, 1906.

SEC. 4. At any time after 15 years from the completion of the bridge constructed under the provisions of this act the State of Virginia or the State of Maryland, or any official agency or political subdivision or divisions of either thereof, may jointly or severally acquire and take over all right, title, and interest of the owner or owners thereof, either by purchase or by condemnation proceedings in accordance with the general laws of either of such States governing the acquisition of private property for public purposes by condemnation. If such bridge shall be acquired by condemnation proceedings, in determining the measure of damages or compensation to be allowed or paid for the same there shall not be included any credits or allowance for good will or prospective revenues or profits, but the same shall be limited to such an amount, not exceeding the original cost thereof, as shall represent the fair value of the bridge and its approaches and any improvements thereof at the time of such condemnation. If such bridge shall be so acquired by condemnation or otherwise by such States or either of them, or by any official agency or political subdivision or subdivisions thereof, in accordance with the provisions of this act, the same shall be maintained and operated as a free bridge after five years from the date of such acquisition.

If such bridge is constructed so as to provide for the passage of railway trains or street cars, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage of persons, animals, and vehicles adapted to travel on public highways; if the right of purchase or condemnation shall be exercised as to a right of way over such bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair value of such bridge, determined in accordance with the provisions of this act, and what its actual fair value would have been if such bridge had not been constructed so as to provide for the passage of persons, animals, and vehicles adapted to travel on public highways.

SEC. 5. The George Washington-Wakefield Memorial Bridge, its successors and assigns, shall immediately upon the completion of such bridge file with the highway departments of the States of Virginia and Maryland an itemized statement under oath showing the actual original cost of such bridge and its approaches, which statement may include as part of the original cost of such bridge any reasonable expenditures actually made for engineering and legal services and any reasonable fees, discounts, and other expenditures actually incurred in connection with the financing thereof; and if such bridge is so built as to provide for the passage of railway trains or street cars thereon, there shall be filed in the same manner sworn itemized statements or estimates of what such bridge would have cost had it not been built so as to provide for the passage of persons, animals, and vehicles adapted to travel on public highways. Such itemized statements of costs may be investigated by the highway departments of the State of Virginia or the State of Maryland or any agent or agents thereof at any time within three years after the completion of such bridge and at the expenses of the said George Washington-Wakefield Memorial Bridge, its successors or assigns, in such manner as may be deemed proper, and for that purpose the said corporation, its successors and assigns, shall make available and accessible all records connected with the construction and financing of such bridge, and the findings of such highway department or departments as to the actual cost of such bridge shall be conclusive on all persons, subject only to a review in a court of equity for fraud or gross mistake.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. LINTHICUM. Mr. Speaker, I move to strike out the last word. Several days ago I raised the question as to a bridge bill because I did not think the public was sufficiently protected in its right to acquire the bridge after a certain number of years. I find that the bill now under consideration for a bridge from Popes Creek, Md., to Dahlgren, Va., has corrected that difficulty and now provides that at any time after 15 years from the completion of the bridge it may be acquired by the State of Maryland or the State of Virginia, or by both jointly, or by some subdivision of those States. So that the States have the right to purchase this bridge at any time after 15 years from the time of its completion, and the price can not be more than the original cost of the bridge. If it can be purchased for less than the original cost, the States save that much; but it can not cost the States any more than the cost of construction, according to the bill.

I am in favor of this bridge because I think it means so much to the States of Maryland and Virginia and to the National Government itself. There is no bridge, as I understand it, southeast or south of the railroad bridge across the Potomac River here at the city of Washington. This bridge will be about 60 miles from here at Popes Creek, going across to Dahlgren, in Virginia. The bridge will be of great advantage to the Government, because it will connect by direct route from Washington, D. C., through southern Maryland past Indian Landing, where the Government has great works, on to Popes Creek, and then by this bridge across to Dahlgren, the greatest proving ground the Government has at this time. There is another great advantage, in that it gives access to that neck of Virginia which has never had through communication to the north. This bridge, jointly with the bridge which the State of Virginia is building at Tappahannock, will give a splendid roadway on through southern Maryland across the Potomac River and across the Rappahannock River at Tappahannock, Va. Likewise from the south across the Rappahannock and Potomac Rivers via the Crain Highway on to Baltimore and points north.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KNUTSON. Is it proposed to build at this point?

Mr. LINTHICUM. It is proposed to build a bridge from Popes Creek, Charles County, Md., to Dahlgren, Va.

Mr. KNUTSON. Is not the river about 4 miles wide there?

Mr. LINTHICUM. It is about two and a half miles wide. The bridge will cost somewhere between $4,000,000 and $4,500,000. It will be a splendid steel and concrete structure, and will give an outlet to a territory which has long needed some outlet to the north from that section of Virginia and to the south.

Mr. BLANTON. Will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. BLANTON. The bridge will be no longer than some of the bridges which span the Mississippi River.

Mr. LINTHICUM. Of course, I am not familiar with the length of the bridges spanning the Mississippi, but I presume this will not be as long as some of them.

Mr. BLANTON. I think this is the best bill for a bridge across the Potomac I have ever read. The thing about it that appeals to me more than anything else is that there is no provision in this bridge across the Potomac to have the Government pay any part of it.

Mr. LINTHICUM. There is another advantage—and I am glad to hear the gentleman say that—and that is the tolls are to be set by the Secretary of War under the act of 1906. There is another advantage that when these States acquire this bridge, five years from the date of such acquisition the bridge must automatically become a free bridge. So I understand we shall have a free bridge eventually. After a certain definite period of five years from acquisition it shall be entirely free. The policy of the State of Maryland has been to make all bridges free.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman has expired.

Mr. LINTHICUM. I ask for three additional minutes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. I was going to say this would be good news to the gentleman from Texas [Mr. BLANTON]. The policy of our State is to have all bridges free. It is estimated the bridge across the Susquehanna at Havre de Grace, that within the next two years the tolls will have paid for that bridge and the bridge will become a free bridge, and so I hope it will be with this bridge. I desire also to call the attention of gentlemen of the House, especially the gentleman from Virginia, to the fact that this bridge will be entirely within the State of Maryland except the abutments on the Virginia side, from the

fact that the boundary line of Maryland goes to the low-water mark on the Virginia side. [Applause.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE COLORADO RIVER NEAR BLYTHE, CALIF.

The next business on the Consent Calendar was the bill (H. R. 8190) authorizing the construction of a bridge across the Colorado River near Blythe, Calif.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to John Lyle Harrington, or his assigns, to construct, maintain, and operate a bridge and approaches thereto across the Colorado River, at a point suitable to the interests of navigation, near the city of Blythe, Calif., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the bridge shall be 20 feet wide and shall conform to the requirements for class B bridges provided in the specifications of the Bureau of Roads, Department of Agriculture, dated June 1, 1925, and entitled "Standard Specifications for Highway Bridges and Incidental Structures."

SEC. 2. The States of Arizona and California, or either thereof, or any political subdivision or divisions thereof, may jointly or severally, at any time after five years from the completion of said bridge, take over and acquire the complete ownership thereof at a price to be mutually agreed upon by the owner thereof and such State or States or subdivision or divisions thereof, or at a price to be determined by condemnation proceedings in accordance with the general laws of the State of Arizona or the State of California governing the acquisition of private property for public purposes by condemnation, or at a price to be fixed by such other method as may be provided by law: *Provided*, That if such bridge shall be acquired by the said States or either thereof, or by any political or other subdivision or divisions thereof, by condemnation or other legal proceedings in accordance with the general laws governing the acquisition of private property for public purposes, in determining the measure of damages or compensation to be paid for the same there shall not be included any credit or allowance for good will, going value, or prospective revenues or profits, but the same shall be limited to an amount not exceeding the cost of constructing such bridge and approaches thereto, including interest and other charges incidental to any necessary loans made in connection with financing such construction, engineering services, necessary contingent expenses, actual and necessary betterments and improvements, less a reasonable deduction for actual depreciation: *Provided further*, That if such bridge shall be acquired or taken over by the States of Arizona and California, or either of them, or by any political subdivision or divisions thereof, in accordance with the provisions of this act, the same may be operated by such State or States or political subdivision or divisions thereof as a toll bridge for a period of not to exceed five years from the date of the acquisition thereof, after which time it shall be and remain a free bridge.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read as follows:

Page 2, line 2, after the word "the," strike out "specifications of the Bureau of Roads, Department of Agriculture, dated June 1, 1925, and entitled," and insert in line 5, after the word "structures," "issued by the American Association of State highway officials under date of June 1, 1925."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE WASHINGTON-WAKEFIELD MEMORIAL BRIDGE

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Potomac Bridge bill just passed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, is there anything wet under that bridge?

Mr. HILL of Maryland. It will be a different kind of wet.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. HILL of Maryland. Mr. Speaker, this bill, H. R. 8908, introduced by Representative MOORE of Virginia, would authorize the George Washington-Wakefield Memorial Bridge, which is the name of a corporation chartered under the laws of Virginia, to build and operate a bridge across the Potomac River from a point in the vicinity of Dahlgren, which is in the northeastern end of King George County, Va., to a point in Maryland in Charles County, just south of Popes Creek.

The location of the proposed bridge is not at present on the system of Federal-aid highways provided at this time for the States of Maryland and Virginia, but a route on the Maryland system runs within less than 2 miles of the proposed location of the bridge, and this road will undoubtedly deliver a large volume of traffic which may cross a bridge which might be constructed at the point authorized in the bill. If this bridge is built, undoubtedly the system of roads will be modified to connect with it.

Such a bridge will form a connecting link between the Charles County portion of Maryland and the King George County portion of Virginia, and will be of enormous benefit in developments of those sections of Maryland and Virginia.

There will be provided a direct route from Washington through southern Maryland by way of Popes Creek, and this bridge to the great proving grounds at Dahlgren. By means of the Crain Highway, Baltimore will be placed in communication with this portion of Virginia and this section of Maryland in a greatly facilitated manner.

It is proposed that this bridge will cost about $4,500,000.

Charles County is one of the oldest counties of Maryland, and all of this portion of the State is full of the most interesting history. This bridge will help to develop all of this section. As a native of southern Maryland I have always taken particular interest in the history and resources of Charles County.

On the last day of June, 1650, Robert Brooke sailed into the Patuxent River with 28 colonists and became commander of a new county, which Lord Baltimore granted and named Charles in honor of the King.

Charmed by the picturesque shore of the Patuxtent, as Richardson records, he sailed many miles farther up than any adventurer sailed, and chose for his abiding place the 2,000 acres known as De La Brooke Manor.

The grant to Robert Brooke was very interesting, and should be known to all those who cherish the ideals of toleration in political and religious liberty in early Maryland. Cecilius Calvert, the then Lord Baltimore, made the grant creating Charles County.

This grant confirmed—

unto our trusty and well-beloved Robert Brooke, Esq., one whole country within our Province, to be newly set forth, erected, nominated, and appointed for that purpose, round about and next adjoining to the place he shall so settle and plant in, etc., and such a quantity and number of miles as other counties in our said Province. And we hereby grant unto him, the said Robert Brooke, all such honors, dignities, privileges, fees, prerequisites, profits, and immunities as are belonging to the said place and office of the commander of the said county, etc. And we do hereby empower the said Robert Brooke to appoint and call a court or courts to award in our name all manner of process, hold pleas, and finally to hear and determine all civil causes and actions whatsoever happening, which may be heard and determined by any of the justices of the peace of England in their courts of sessions, not extending to life and member.

At the same writing Lord Baltimore also authorized Robert Brooke to be commander in chief—

of all the forces which shall be armed, levied, or raised in the said county and to lead and conduct them against the Indians and other foreign enemies.

A commission was also forwarded to Maryland by the proprietary, naming Robert Brooke as—

member of privy council to meet and assemble himself in council upon all occasions.

This new bridge will connect the Virginia shore with this old county of Charles, above referred to by Lord Baltimore. As a southern Marylander by birth and inheritance I am proud that Robert Brooke was one of the forefathers of my children. I am proud of the history of this old county. Baker Brooke, the son of Robert Brooke, married Anne Calvert, the daughter of Gov. Leonard Calvert.

All this portion of Maryland is a treasure house of history. It has never been written and published abroad the way the history of many other portions of the old colonies have been published. This portion of Maryland affords not only wonderful material resources, but historical inspiration which will be made accessible by the building of the George Washington-Wakefield Memorial Bridge. The traditions of Lord Baltimore and Governor Brooke on the Maryland side will be joined with those of Washington on the Virginia side and I am glad that this bill will to-day pass.

The bill has the approval of the War and Agricultural Departments. The War Department says:

WAR DEPARTMENT, *December 23, 1925.*

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives.

So far as the interests committed to this department are concerned, I know of no objection to the favorable consideration of the accompanying bill (H. R. 5682, 69th Cong., 1st sess.) granting the consent of Congress to George Washington-Wakefield Memorial Bridge, a corporation, to construct a bridge across the Potomac River, if amended as indicated in red thereon.

The proviso relating to the time limits within which the bridge shall be constructed has been eliminated for the reason that the general bridge act of March 23, 1906, specifies the times for commencing and completing the construction of bridges as one and three years, respectively, and it is thought inadvisable to change those limits, except in unusual cases.

As the navigable portions of the Potomac River do not lie within the limits of a single State, the consent of Congress is required under section 9 of the river and harbor act of March 3, 1899 (30 Stat. 1151), for the construction of a bridge thereover.

HANFORD MACNIDER,
Acting Secretary of War.

BRIDGE ACROSS LAKE WASHINGTON

The next business on the Consent Calendar was the bill (H. R. 5810) granting a certain right of way, with authority to improve the same by the construction, maintenance, and operation of a toll bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to John F. Kenward, his heirs, executors, administrators, or assigns, an easement and right of way and authority to improve the same by the construction, maintenance, and operation of a toll bridge across Lake Washington from a point suitable to the interests of navigation, namely, from a point on the west shore of Lake Washington approximately due east of the intersection of Orcas Street and Seward Park Avenue, Seattle, King County, Wash., running thence easterly to a point on the west shore of Mercer Island approximately due east from the point of beginning, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That said John F. Kenward, his heirs, executors, administrators, or assigns, shall hereafter be charged with the care and maintenance of said toll bridge so constructed and operated, and no cost of said improvement or part thereof, or of the maintenance thereof, shall be levied or assessed upon said right-of-way lands or the lands contiguous or adjoining belonging to the United States: *Provided further*, That any structures over or on the said right of way shall be subject to approval by the Secretary of War and shall be subject to complete removal or modification by and at the expense of the said John F. Kenward, his heirs, executors, administrators, or assigns, when required by the Secretary of War.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "Granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island in the same county and State."

The committee amendments were read, as follows:

Page 1, line 3, after the word "That" strike out the word "there" and insert in lieu thereof "the consent of Congress."

Page 1, line 4, strike out "an easement and right."

Page 1, line 5, strike out "of way and authority to improve the same by the" and insert in lieu thereof the word "to."

Page 1, line 5, change "construc-" to "construct" and add a comma.

Page 1, line 6, strike out "tion, maintenance, and operation" and insert in lieu thereof "maintain and operate"; strike out the word "toll."

Page 1, line 7, strike out "from" and insert "at" in lieu thereof.

Page 1, line 8, strike out "namely."

Page 2, strike out all of section 2 and insert the following in lieu thereof:

"SEC. 2. That the State of Washington, or any official agency thereof, or any political or other subdivision or subdivisions thereof, within or adjoining which such bridge is located, may at any time after 15 years from the completion of such bridge, by agreement or condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation, acquire all right, title, and interest in such bridge and the approaches and appurtenances thereto for the purpose of maintaining and operating such bridge as a free bridge. If such bridge is acquired by the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof by condemnation, in determining the measure of damages or compensation to be paid for the same there shall not be included any credit or allowances for good will, going value, or prospective revenues or profits, but the same shall be limited to such an amount not exceeding the original cost thereof as shall represent the fair value of the bridge and its approaches and appurtenances at the time of such acquisition: *Provided*, That nothing in this act shall be construed to deprive the State of Washington or any official agency thereof or any political or other subdivision or subdivisions thereof, within or joining which such bridge is located, of any rights that it or they possess under the laws of such State with reference to such bridge during the 15-year period mentioned herein. After five years from the date of acquiring such bridge by the State or any official agency, political or other subdivision or subdivisions thereof, the same shall be maintained and operated as a free bridge.

"SEC. 3. The said John F. Kenward, his heirs, administrators, or assigns shall immediately upon the completion of such bridge file with the State Highway Department of the State of Washington an itemized sworn statement of the actual original cost of such bridge and its approaches and appurtenances, including any reasonable actual expenditures for engineering and legal services and any reasonable fees, discounts, and expenditures incurred in connection with the original financing thereof. Such itemized statement of cost may be investigated by the State highway department at any time within three years after the completion of such bridge and verified and corrected, and its findings shall be conclusive upon all persons, subject only to review in a court of equity for fraud or gross mistake."

Page 2, line 21, change "3" to "4."

Amend the title so as to read: "A bill granting the consent of Congress to John F. Kenward to construct a bridge and approaches thereto across Lake Washington from a point on the west shore in the city of Seattle, county of King, State of Washington, easterly to a point on the west shore of Mercer Island, in the same county and State."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, the next two bills, Nos. 93 and 94, both refer to the report by Mr. PARKS, of Arkansas. There are no amendments to either bill, and provides for free bridges, and I ask unanimous consent that those two bills may be considered and called up, if there is no objection, to be read a second time and engrossed and read the third time and passed.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, just for clarifying the situation, I want to ask the gentleman why he does not embrace in his unanimous consent calendar numbers from 93, page 33, down to and including calendar No. 116, on page 35, with the understanding that the amendments be agreed to and that the bills as amended pass, because agreeing to the amendments on these bridge bills is merely a perfunctory matter, anyway. Will the gentleman ask that?

The SPEAKER pro tempore. Is there objection to the following bridge bills, down to and including 116 on the Consent Calendar?

Mr. BLANTON. With the understanding that the amendments be agreed to and that the bills pass.

The SPEAKER pro tempore. Is there objection to the present consideration?

Mr. HUDDLESTON. I will say to the gentleman from Illinois that in the bill H. R. 8316, which is No. 97 on the calendar, there is a clerical error which has escaped our attention. The bill ought to be amended. The bill refers to the State highway commission of the State of Alabama when it should refer to the State highway department, and I was going to suggest to the gentleman that he either make that amendment or provide for the making of that amendment in his request.

The SPEAKER pro tempore. Is there objection to the consideration of all the bills referred to?

There was no objection.

Mr. DENISON. Now, Mr. Speaker, I ask unanimous consent that the bills on the calendar Nos. 93, 94, 95, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115,

and 116 be considered as called up without objection, ordered engrossed and read a third time, read the third time with amendments, and passed.

Mr. STEAGALL. That includes all the bridge bills on the calendar?

Mr. BLANTON. No; but all that are in sequence.

Mr. DENISON. And also that a motion to reconsider the vote by which the bills were passed be laid on the table.

The SPEAKER pro tempore. Before doing that, the Chair wants to be sure the Clerk has the record complete as to what has been done. There may be confusion, and the Chair wishes to avoid that.

Mr. DENISON. Mr. Speaker, I omitted No. 97.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the committee amendments to the bills enumerated by him on the Consent Calendar be agreed to, and that the bills as amended be considered as engrossed, read the third time, and passed; and that a motion to reconsider the vote by which the bills were passed be laid on the table. Is there objection?

There was no objection.

The titles of the bills referred to follow:

H. R. 6710. A bill granting the consent of Congress to the State of Georgia and the counties of Long and Wayne, in said State, to construct a bridge across the Altamaha River, in the State of Georgia, at a point near Ludowici, Ga.;

H. R. 7188. A bill granting the consent of Congress to the J. R. Buckwalter Lumber Co. to construct a bridge across Pearl River in the State of Mississippi;

H. R. 7904. A bill granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Des Arc, in the county of Prairie, in the State of Arkansas;

H. R. 7741. A bill to construct a bridge across the Choctawhatchee River near Geneva, Geneva County, Ala., on State road No. 20;

H. R. 8382. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Aliceville on the Gainesville-Aliceville road in Pickens County, Ala.;

H. R. 8386. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Elk River on the Athens-Florence road between Lauderdale and Limestone Counties, Ala.;

H. R. 8388. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala.;

H. R. 8389. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tennessee River near Whitesburg Ferry on Huntsville-Lacey Springs road between Madison and Morgan Counties, Ala.;

H. R. 8390. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Jackson, on the Jackson-Mobile road between Washington and Clarke Counties, Ala.;

H. R. 8391. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River on the Butler-Linden road between the counties of Choctaw and Marengo, Ala.;

H. R. 8511. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Tombigbee River near Gainesville on the Gainesville-Eutaw road between Sumter and Green Counties, Ala.;

H. R. 8521. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Childersburg on the Childersburg-Birmingham road between Shelby and Talladega Counties, Ala.;

H. R. 8522. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Fayetteville, on the Columbia-Sylacauga road, between Shelby and Talladega Counties, Ala.;

H. R. 8524. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Samson, on the Opp-Samson road in Geneva County, Ala.;

H. R. 8525. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River near Geneva on the Geneva-Florida road in Geneva County, Ala.;

H. R. 8526. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Choctawhatchee River on the Wicksburg-Daleville road between Dale and Houston Counties, Ala.;

H. R. 8527. A bill granting the consent of Congress to the highway department of the State of Alabama to reconstruct a bridge across Pea River at Elba, Coffee County, Ala.;

H. R. 8528. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River on the Clanton-Rockford road between Chilton and Coosa Counties, Ala.;

H. R. 8536. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across Tennessee River near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala.;

H. R. 8537. A bill granting the consent of Congress to the highway department of the State of Alabama to construct a bridge across the Coosa River near Pell City on the Pell City-Anniston road between St. Clair and Calhoun Counties, Ala.;

H. R. 7823. A bill to authorize the building of a bridge and approaches thereto across the Potomac River between Montgomery County in the State of Maryland and Fairfax County in the State of Virginia;

H. R. 8514. A bill granting the consent of Congress to Missouri State Highway Commission to construct a bridge across Black River; and

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River.

So the foregoing bills were considered, read twice, the several committee amendments were agreed to, the bills ordered engrossed and read a third time, read a third time and passed, and a motion to reconsider the votes whereby the several bills were passed was laid upon the table.

The SPEAKER pro tempore. The Clerk informs the Chair with respect to No. 94 that there is an identical Senate bill on the calendar.

Mr. DENISON. Then, with reference to No. 94 I ask that the Senate bill be considered and passed in lieu of the House bill.

The SPEAKER pro tempore. The gentleman would need to ask that the several motions by which these bills were passed be rescinded and that the bill be laid before the House for consideration.

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, the gentleman from Mississippi [Mr. COLLINS] is the author of that bill. The gentleman was here a few moments ago. He was unmindful of the situation as it has been stated, at least he said nothing to me about the Senate bill being here or about any desire on his part to have the Senate bill passed. I think for that reason we had better not take the action suggested.

Mr. DENISON. I think we had better let the proceedings stand.

Mr. BLANTON. Mr. Speaker, the Chair should state "It is so ordered" on the unanimous-consent request, to show that such an order has been made.

The SPEAKER pro tempore. Unanimous consent was asked, objections were in order, and there were no objections, and therefore all the bills are passed.

BRIDGE ACROSS COOSA RIVER

The next business on the Consent Calendar was the bill (H. R. 8316) granting the consent of Congress to the State Highway Commission of the State of Alabama to construct a bridge across the Coosa River near Wetumpka, Elmore County, Ala.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State Highway Commission of the State of Alabama and its successors and assigns to construct, maintain, and operate a bridge and approaches thereto across the Coosa River at a point suitable to the interests of navigation at or near Wetumpka, in the County of Elmore, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. HUDDLESTON. Mr. Speaker, the word "commission" in the title and in line 4 should be changed to "department." I offer that amendment.

The Clerk read as follows:

Amendment by Mr. HUDDLESTON: Page 1, line 4, strike out the word "commission" and insert "department."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

LEASING FOR MINING PURPOSES LAND RESERVED FOR INDIAN AGENCY OR SCHOOL PURPOSES

The next business on the Consent Calendar was the bill (H. R. 7752) to authorize the leasing for mining purposes of land reserved for Indian agency and school purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, does not the gentleman think that the House ought to put some directory provision in the bill and not leave it to the Secretary of the Interior or the department? There is absolutely nothing here in the bill to insure fair leases, and we are leaving it to the discretion and judgment of the Secretary of the Interior.

Mr. LEAVITT. Not entirely. It is required to be advertised for 30 days, and it is in the same situation as other lands on the same reservation and subject to the same laws, so that if oil is struck the Indians will get the benefit of it.

Mr. BLANTON. I happen to have had some experience with the leasing of oil lands. There are men of good judgment in some kind of business matters who have leased their lands for mineral rights and gotten nothing out of them, because they did not understand oil leases. There are other men who seemed not to be such fine business men who have leased oil lands and who have been made rich by it. I do not know whether the Secretary of the Interior is efficient in the leasing of oil lands or not. Does not the gentleman think that we should give him some direction?

Mr. LEAVITT. The situation is the same as in Oklahoma, where Indian lands have been leased under this same sort of regulation, and it indicates that the Indians will get the benefit of a situation of that kind. The Secretary of the Interior now has the general authority that is given him here with respect to lands set apart for agency and school purposes.

Mr. BLANTON. I had in mind that there should be a stipulation that no land should be leased for a royalty less than one-eighth.

Mr. FREAR. If the gentleman will yield, I want to say that there is a bill before the Indian Affairs Committee that provides only 5 per cent shall go to the Indians, and that 37½ per cent of that shall go in taxes.

Mr. BLANTON. Is the gentleman from Wisconsin in favor of that bill?

Mr. FREAR. Surely not. I agree with the gentleman from Texas that there ought to be some directory provision.

Mr. BLANTON. I want to say to the gentleman from Montana that if this bill passes in the shape it is here, the leasing may be handled in some such manner as stated by the gentleman from Wisconsin [Mr. FREAR].

Mr. HASTINGS. If the gentleman will yield, I will say that these are little pieces of land for agency purposes and school purposes. They only cover a few acres of land; they could not be leased except on public notice for 30 days and at public auction.

Mr. BLANTON. The Secretary of the Interior is already sending legislation to Congress, as stated by the gentleman from Wisconsin, asking that a lease be made wherein the Indians are only getting 5 per cent royalty; that is not my idea of what ought to be done. What does the gentleman think?

Mr. LEAVITT. The Secretary of the Interior is not sending any such legislation to Congress; the bill that the gentleman from Wisconsin refers to was introduced by a Member of the House.

Mr. BLANTON. The gentleman from Wisconsin is always very correct in his statements.

Mr. FREAR. The Indian Commissioner appeared before our committee and defended that provision.

Mr. BLANTON. I ask the gentleman to let the bill go over until we can look into it. I do not want to object to it, but I want to have a chance to safeguard it. If the gentleman will let it go over for one more time, we may agree upon proper amendments.

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent that the bill be passed over and retain its place on the calendar without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Montana?

There was no objection.

FLOOD CONTROL OF THE SACRAMENTO RIVER, CALIF.

The next business on the Consent Calendar was the bill (H. R. 5965) to modify the project for the control of floods in the Sacramento River, Calif., adopted by section 2 of the act approved March 1, 1917, entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FREAR. Reserving the right to object, I wish to state that I put in a minority report against that proposition, which involves the appropriation of $17,000,000, an increase of $11,400,000 over the bill as originally presented. I believe it ought to be considered in the House on the proper calendar, and ought not to be allowed to go through by unanimous consent. I understand several Members were going to object, but I object now.

Mr. CURRY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice.

Mr. BLANTON. Mr. Speaker, I hope the gentleman from Wisconsin [Mr. FREAR] will withdraw his objection and let the request of the gentleman from California prevail.

Mr. FREAR. Very well, Mr. Speaker; I withdraw my objection.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SALE OF CERTAIN KAW RESERVATION LANDS, OKLAHOMA

The next business on the Consent Calendar was the bill (H. R. 7083) authorizing the sale and conveyance of certain lands on the Kaw Reservation in Oklahoma.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

WITHDRAWING CERTAIN LANDS FOR SHOSHONE AND OTHER INDIANS, NEVADA

The next business on the Consent Calendar was the bill (H. R. 7814) to provide for the permanent withdrawal of certain lands bordering on and adjacent to Summit Lake, Nev., for the Paiute, Shoshone, and other Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described lands in Nevada be, and they are hereby, withdrawn from entry, sale, or other disposition, and set aside for the Paiute and Shoshone Indians and such other Indians as the Secretary of the Interior may see fit to settle thereon: *Provided*, That the withdrawal hereby authorized shall be subject to any prior valid rights of any persons to the lands described: Fractional sections 13, 24, and 25, township 42 north, range 25 east; section 1, township 41 north, range 25 east; and fractional sections 5 and 6, township 41 north, range 26 east, of the Mount Diablo meridian, in Nevada.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF CERTAIN LANDS FOR INDIANS OF WALKER RIVER RESERVATION

The next business on the Consent Calendar was the bill (H. R. 8913) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following described lands situate in the State of Nevada, temporarily withdrawn from settlement, entry, sale, or other disposition until March 5, 1927, by presidential order dated March 18, 1925, for the use and benefit of the Indians of the Walker River Reservation, be, and they hereby are, permanently withdrawn for the purpose indicated in said order: *Provided*, That this withdrawal shall not affect any existing legal right of any person to any of the withdrawn lands: *Provided further*, That the foregoing reservation is hereby created subject to exploration, location, lease, or entry under the existing mining laws of the United States: All of township 14 north, range 30 east, Mount Diablo meridian; west half of township 14 north, range 31 east, Mount Diablo meridian; west half of township 13 north, range 31 east, Mount Diablo meridian; west half of township 12 north, range 31 east, Mount Diablo meridian; east half of township 12 north, range 30 east, Mount Diablo meridian.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FORT HALL INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 5710) extending the provisions of section 2155 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, this proposes that certain lands shall be sold according to the provisions of certain sections of the statute. I would be glad if some information could be given us as to how that land would be sold, how much it is expected to sell it for, and how much the land is worth.

Mr. COLTON. This is not a city lot, is it?

Mr. CRAMTON. No; it is some fragments of land. Can anyone say what that section of the law provides?

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, I shall have to object without information; but instead of that I shall ask unanimous consent that the bill retain its place on the calendar and be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

HOT SPRINGS NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 6097) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the conditional cession and grant to the United States of exclusive jurisdiction over that part of the Hot Springs National Park known as the public camp ground and described as follows: Commencing at the stone marking at the northeast corner of the northeast quarter of section 33, township 2 south, range 19 west, thence east for 528 feet along the south line of the southwest quarter of section 27, township 2 south, range 19 west, thence north parallel with the reservation line for 1,320 feet to the north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, thence west for 528 feet along north line of said southwest quarter of the southwest quarter of section 27, township 2 south, range 19 west, to the east line of Hot Springs National Park, thence south along the line of Hot Springs National Park to the place of beginning, in the county of Garland, State of Arkansas, being a part of the Hot Springs National Park, made by act of the Legislature of the State of Arkansas, approved March 27, 1925, are hereby accepted, and the provisions of the act approved April 20, 1904, as amended by the acts of March 2, 1907, and March 3, 1911, relating to the Hot Springs Mountain Reservation, Ark., are hereby extended to said land.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELECTION OF DELEGATE FROM ALASKA

The next business on the Consent Calendar was the bill (H. R. 7820) to amend an act entitled "An act providing for the election of a delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 12 of the act entitled "An act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May 7, 1906, is hereby amended to read as follows:

"SEC. 12. That the governor, the secretary for the Territory, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AUTHORIZING REGISTERS OF UNITED STATES LAND OFFICES TO ADMINISTER OATHS

The next business on the Consent Calendar was the bill (H. R. 6239) to authorize acting registers of United States land offices to administer oaths at any time in public-land matters.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill would indiscriminately give this authority to anybody who might be in the office acting for the register. Suppose the register is gone to lunch, and he leaves some one in his office?

Mr. COLTON. He would have to be a regular employee of the office.

Mr. BLANTON. He would have to be a designated acting register?

Mr. COLTON. Yes.

Mr. BLANTON. Clothed with the same power and authority that the register may possess?

Mr. COLTON. Acting during the absence of the register.

Mr. BLANTON. And he would have to be so designated by the register?

Mr. COLTON. That is my understanding.

Mr. BLANTON. It would not be just somebody that he might leave there in his office if he wanted to take a day's trip or so?

Mr. COLTON. No.

Mr. BLANTON. With that understanding I have no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a qualified employee of the Department of the Interior who has been designated to act as register of any United States land office pursuant to the provisions of the act of October 28, 1921, "An act for the consolidation of the offices of register and receiver in certain cases and for other purposes" (42 Stat. L. p. 208), may at all times administer any oath required by law or the instructions of the General Land Office in connection with the entry or purchase of any tract of public land, but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NEW TITLE FOR BOARD OF GENERAL APPPRAISERS

The next business on the Consent Calendar was the bill (H. R. 7966) to provide the name by which the Board of General Appraisers and members thereof shall hereafter be known.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman who reported the bill the purpose of changing the name of the Board of General Appraisers?

Mr. WELLER. The simple purpose is to change the name, without any other purpose in view, no change of salary, nor does it call for an appropriation.

Mr. LAGUARDIA. Why the change of name?

Mr. WELLER. At different times the board must send depositions to foreign countries to be authenticated, and it has been impossible for foreign countries to understand why a court of the United States Government is not authorized to administer oaths in sending interrogatories to be examined, and it has resulted in sending them back to this country and having to get the office of the Secretary of State to authenticate that the Board of General Appraisers is duly authorized.

Mr. LAGUARDIA. They have power to administer oaths?

Mr. WELLER. But not for the purpose of taking depositions in foreign countries.

Mr. CHINDBLOM. Let me say to the gentleman that while the board has power to take depositions, the fact that it is not designated as a court has militated against the board in some countries, like Germany and Italy, where they do not recognize anybody as having the authority of a court without the name of a court, and because it does not have the name

they will not recognize the depositions sent over there. I will also say this bill has the support of the Committee on Ways and Means——

Mr. WELLER. And the Treasury Department, Department of Justice, and the committee.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Board of General Appraisers shall hereafter be known as the United States customs court and the members thereof shall hereafter be known as the chief justice and the associate justices of the United States customs court.

SEC. 2. The jurisdiction, powers, and duties of said board, its subdivisions and its officers, and their appointment, including the designation of its presiding officers, and the immunities, tenure of office, powers, duties, rights, and privileges of the members of said board, shall remain the same as by existing law provided.

Mr. LAGUARDIA. Mr. Speaker and gentlemen of the House, I would like to get the attention of the distinguished gentleman from Texas [Mr. BOX], a member of the Committee on Immigration. We have just heard read a bill that will change the name of the Board of General Appraisers to that of customs court. This customs court consists of three judges learned in the law receiving salaries of judges whose duty it is to pass on all cases in reference to customs and tariff. This board or court has all the facilities and time for giving proper attention, consideration, and due deliberation to every case that comes before it. They decide such questions as whether a fish is an anchovy or a sardine, whether cheese is Limburger or Roquefort, whether a garment is a piece of silk or a chemise, and similar questions arising out of the imposition of duty on importations under the tariff law.

Mr. BLANTON. That would not be hard to decide.

Mr. LAGUARDIA. In all seriousness, I desire to call the attention of the House to other boards in New York City and in every port whose duty it is not to decide on commodities but whose duty it is to decide on the rights of human beings, the right to enter this country under the immigration laws, and on whose decision the very lives of human beings depend. While we have a properly constituted court with judges learned in the law to pass upon the question of whether a commodity is a sardine or a fish, you permit a court of three inspectors getting $1,500 or $1,800 a year, overworked and without proper facilities—and I know how hard the immigration boards work, because I served in that service three years—to pass upon matters of human life. The immigration boards of special inquiry should be of the same character, standing, and learning as these customs courts we are now discussing.

Mr. BEGG. Will the gentleman yield? I think the gentleman misses the import of the bill.

Mr. LAGUARDIA. No; I do not.

Mr. BEGG. It is not the question of the ability to pass or the rate of salaries, but it is the refusal of foreign countries to recognize the board.

Mr. LAGUARDIA. I understand the bill, but this gives me an opportunity to call the attention of the House to our immigration boards.

Mr. BEGG. Then the gentleman is not serious.

Mr. LAGUARDIA. I am talking about human beings, and of course I am serious. I believe a human right should get as much and as serious attention as articles of commerce and imported goods. We ought to have a properly constituted court with men learned and trained in the law with sufficient time for each case to pass upon the admissibility of human beings applying for admission to the United States.

Mr. O'CONNELL of New York. They passed on the Cathcart case.

Mr. BLANTON. They would not have to come here and take wine baths.

Mr. LAGUARDIA. Or seeking fortunes from gullibile title seekers.

Mr. BOYLAN. Does the gentleman desire to make a point that our laws are more concerned in passing on sardines than on human beings?

Mr. LAGUARDIA. That is my point. But the board of special inquiry——

Mr. CRAMTON. This board does not have the administration of the customs law but the judicial function of determining its terms, and recently a case involving an industry in this country, affecting my State, involving the prosperity of several thousand American citizens and their families——

Mr. LAGUARDIA. I hope the gentleman will not take up all my time.

Mr. CRAMTON. Well, I am using it to good advantage, I hope. [Laughter.]

Mr. LAGUARDIA. I do not think the gentleman is.

Mr. CRAMTON. The welfare of these several thousand American citizens depended upon the way in which that law was construed by this board that is now before us. It is not a question of sardines at all.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent to proceed for three minutes more in order to make up for the time that has been consumed by interruptions.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three more minutes. Is there objection?

There was no objection.

Mr. CHINDBLOM. Will the gentleman permit me to suggest that he is not discussing this bill?

Mr. LAGUARDIA. I am not discussing the importance of the work of the customs court, I will say to the gentleman from Michigan [Mr. CRAMTON]. The gentleman has overlooked entirely the function of the board of special inquiry. It is also judicial. That board passes upon facts and upon the law, too, and we turn over that important work to three overworked, underpaid inspectors. I have seen these boards work, and I know the disadvantage of the alien having his case rushed through under such conditions. There is one case coming in right after another, while this customs board sits leisurely, as it should, and listens to facts and to arguments and then passes judicially on the matters before it. The boards in the Immigration Service are simply mills grinding out misery to human beings. The men sitting on immigrant boards are not trained in the law. They are not paid properly. They have not the time to give to each case that it requires. They have not the facilities to go thoroughly into the merits of each case and give these human beings a real trial such as they ought to have when applying for admission under the law. I hope some day this Congress will change these conditions and create a real judicial board at the ports of entry for human beings—as we now have for merchandise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SUBMARINE CABLE LAID IN THE ST. LOUIS RIVER

The next business on the Consent Calendar was the bill (H. R. 7455) to legalize the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., and Oliver, Wis., and used for the lighting of the village of Oliver, Wis.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Reserving the right to object, Mr. Speaker, I do not quite understand just what effect this will have on future regulations. Suppose we pass this bill, does that specifically give this cable a status as to all present laws and all future laws that other cables do not have? Suppose we should pass some kind of regulation requiring the holder of this cable to do something that was not any different from all other holders of cables, but this cable concern should come back and say that they were exempt under this law; is it the intention to permit that under this bill?

Mr. CARSS. Nothing of the kind is intended. This cable was laid under the regulations and rules of the War Department that has jurisdiction over navigable streams.

Mr. BEGG. Yes; I understand that.

Mr. CARSS. It has been properly laid. The proper signs have been put up to protect the cable and to warn shipmasters not to drag their anchors, and so on, as the regulations provide.

Mr. BEGG. Let me ask the gentleman a specific question. On page 2 of the bill, why not cut out the words "or future"?

Mr. CARSS. I have not a copy of the bill before me.

Mr. BEGG. The language is, "the same is hereby legalized to the same extent and with like effect as to all existing or future laws." I may be in error, but it seems to me if we pass a law for a specific cable company and say it is legalized for all existing laws and all future laws, it does not make any difference what we pass in the future, this is all legalized. I may be in error, but I would like to have some attorney who knows about the facts pass on that question.

Mr. CARSS. The gentleman, then, would not take my explanation?

Mr. BEGG. I would not think as a legal opinion the gentleman's information or opinion was any better than my own, perhaps, the gentleman not being a lawyer. I think it is a point that should be cleared up.

Mr. CARSS. Perhaps both of us are competent to pass upon the matter. This cable was laid without authorization. The party found out it was necessary to have an enabling act passed. They have proceeded to lay this cable. The War Department called their attention to the situation and compelled them to lay the cable according to their directions and instructions. This bill simply legalizes that action so that these people can get their pay for laying the cable.

Mr. BEGG. Let me ask a specific question and I will ask my colleague from Illinois to answer the question. This language, "to the same extent and with like effect as to all existing or future laws"——

Mr. CARSS. That is a committee amendment.

Mr. BEGG. I understand it is a committee amendment, but I question the wisdom of it. Suppose a future Congress should pass a law requiring all cables to be encased in a conduit of concrete; all these people would have to do to avoid that law would be to say, "We have a special law legalizing this cable as to present laws and all future laws."

Mr. CARSS. Would that law be retroactive?

Mr. BEGG. It might be; yes. I just want to know the effect of the language.

Mr. DENISON. I will state to the gentleman, with his permission——

Mr. BEGG. Certainly; I want the gentleman's explanation.

Mr. DENISON. This bill was submitted to the Chief of Engineers of the War Department and the Chief of Engineers drew this amendment after having consulted the expert lawyer who represents the Chief of Engineers in all such matters. They drew the amendment and submitted it to the committee. It does not mean, as the gentleman from Ohio understands it——

Mr. BEGG. What does it mean, then?

Mr. DENISON. It means just what it says, that it will have the same effect as if consent to lay the cable had been granted before the cable was laid.

Mr. BEGG. All right; but that does not answer the question. If the gentleman will permit, I want to know what this language means, "the same is hereby legalized to the same extent and with like effect as to all existing or future laws." What does that mean if it does not mean that as to every future law this cable is exempted?

Mr. DENISON. No; it means it will have the same effect as to all existing laws and as to all laws that are passed in the future as if it had been legalized in the first place. If a law is passed later that will affect this cable, this law will not change the effect of that law.

Mr. BEGG. I can not see that. What is the value of the words "or future"?

Mr. DENISON. I think, Mr. Speaker, we may very well leave the matter to the Chief of Engineers, who is charged with the duty of guarding and protecting navigation.

Mr. BEGG. I will say in reply that if the gentleman's confidence was substantiated by past experience, I would say yes; but past experience does not warrant such implicit confidence in the infallibility of the language.

Mr. DENISON. Let me say to the gentleman from Ohio that is the form of amendment which the Secretary of War or the Chief of Engineers inserts in every bill of this kind where we are legalizing a structure that has already been built, and we have passed a number of bills with the same identical language in it, and I do not think the gentleman from Ohio need worry about it.

Mr. BEGG. I would like to ask the gentleman from Minnesota whether the gentleman would accept an amendment to strike out the words "or future."

Mr. CARSS. Yes.

Mr. BEGG. I can not see any necessity for those words unless they are intended to avoid the enforcement of some future legislation, and I do not think we ought to do that in a specific case.

Mr. CARSS. All right; I will accept that.

Mr. BEGG. With the understanding that the amendment will be accepted, I will not object.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the submarine cable laid in the St. Louis River at the Spirit Lake Transfer Railway drawbridge, between New Duluth, Minn., by the Coyne Electric Shoppe, of Hibbing, Minn., and used for the lighting of the village of Oliver, Wis., be, and the same is hereby, legalized.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, line 5, after "Minnesota," insert "and Oliver, Wis."

Page 1, line 7, after the word "legalized," add the following: "to the same extent and with like effect as to all existing or future laws and regulations of the United States as if the permit required by the existing laws of the United States in such cases made and provided had been regularly otained prior to the laying of said cable: *Provided*, That any changes in said cable which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof."

Mr. BEGG. Mr. Speaker, page 2, line 1, I move to strike out of the committee amendment the words "or future."

The Clerk read as follows:

Amendment by Mr. BEGG: Page 2, line 1, strike out the words "or future."

The amendment was agreed to.

The committee amendments as amended were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AMENDING SECTION 89, CHAPTER 5, OF THE JUDICIAL CODE

The next business on the Consent Calendar was the bill (H. R. 7616) to amend section 89 of chapter 5 of the Judicial Code of the United States.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

To amend section 89 of chapter 5 of the Judicial Code of the United States

Be it enacted, etc., That section 89 of chapter 5 of the Judicial Code of the United States be amended so as to read as follows:

"SEC. 89. The State of Minnesota shall constitute one judicial district, to be known as the District of Minnesota. It is divided into six divisions, to be known as the first, second, third, fourth, fifth, and sixth divisions. The first division shall include the territory embraced on the 1st day of July, 1910, in the counties of Wiona, Wabasha, Olmstead, Dodge, Steele, Mower, Fillmore, and Houston. The second division shall include the territory embraced on the date last mentioned in the counties of Freeborn, Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Cottonwood, Watonwan, Blue Earth, Waseca, Le Sueur, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Sibley, and Lac qui Parle. The third division shall include the territory embraced on the date last mentioned in the counties of Chisago, Washington, Ramsey, Dakota, Goodhue, Rice, and Scott. The fourth division shall include the territory embraced on the date last mentioned in the counties of Hennepin, Wright, Meeker, Kandiyohi, Swift, Chippewa, Renville, McLeod, Carver, Anoka, Sherburne, and Isanti. The fifth division shall include the territory embraced on the date last mentioned in the counties of Cook, Lake, St. Louis, Itasca, Koochiching, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, and Benton. The sixth division shall include the territory embraced on the date last mentioned in the counties of Stearns, Pope, Stevens, Big Stone, Traverse, Grant, Douglas, Todd, Otter Tail, Roseau, Wilkin, Clay, Becker, Wadena, Norman, Polk, Red Lake, Marshall, Kittson, Beltrami, Clearwater Mahnomen and Hubbard. Terms of the district court for the first division shall be held at Winona on the fourth Tuesday in January and the third Tuesday in June; for the second division, at Mankato on the third Tuesday in January and the second Tuesday in June; for the third division, at St. Paul on the first Tuesday in April and the first Tuesday in November; for the fourth division, at Minneapolis on the first Tuesday in March and the fourth Tuesday in September; for the fifth division, at Duluth on the first Tuesday in May and the first Tuesday in December; and for the sixth division, at Fergus Falls on the first Tuesday in January and the fourth Tuesday in May. The clerk of the district court shall appoint a deputy clerk at each place where the court is now required to be held at which the clerk shall not himself reside, who shall keep his office and reside at the place appointed for the holding of said court."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

AUTHORIZING CHIPPEWA INDIANS TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 178) authorizing the Chippewa Indians of Minnesota to submit claims to the Court of Claims.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the committee amendments be considered and the bill be considered as engrossed and read the third time and passed. It is a long bill.

Mr. CRAMTON. If the gentleman will ask that the bill be considered as read.

Mr. BLANTON. I ask unanimous consent that the bill be considered as read.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill may be considered as having been read for amendment. Is there objection?

There was no objection.

Mr. CRAMTON. Now, Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 9, line 16, after the word "agreement," insert the words "as provided in section 1 hereof."

Mr. CRAMTON. I will simply say that the purpose of the amendment is to clarify section 4. It makes it clear that the amendment referred there comes within the previous agreement referred to in section 1. The Indian Office thought the amendment should be made to clarify it, and I understand that the gentleman from Minnesota agrees that the amendment should be made.

The amendment was agreed to.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

RELIEF OF SOLDIERS DISCHARGED DURING THE WORLD WAR

The next business on the Consent Calendar was the bill (H. R. 7841) for the relief of soldiers who were discharged from the Army during the World War because of misrepresentation of age.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute the bill S. 1343 in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill (S. 1343), as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers of the United States Army, their widows and dependent children, a soldier who was discharged between April 6, 1917, and November 11, 1918, both dates inclusive, for fraudulent enlistment on account of misrepresentation of his age, shall hereafter be held and considered to have been discharged honorably from the military service on the date of his actual separation therefrom, if his service otherwise was such as would have entitled him to an honorable discharge: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

Not until the boys had their discharges was this called to the attention of the War Department.

Mr. BEGG. Suppose a boy would enlist and they would discover it within 30 days? He ought not to be put in the status of a retired soldier. When I went over the bill, I checked it, and, to be perfectly frank with the gentleman, intended to not permit it to be gotten up unless I was satisfied on this point. Then I was busy about another bill, and it got by me. What percentage of these boys probably never got any further than the first week or two in camp whom it is now proposed to put upon a pension status?

Mr. BLANTON. The gentleman will not find one who has served less than 60 days.

Mr. BEGG. Then, that is not so bad.

Mr. BLANTON. Mr. Speaker, I want to ask the gentleman another question. Does not the gentleman from Tennessee think he ought to move an amendment to this bill to require the War Department to give each one of these boys a white discharge? They are entitled to it. They enlisted during the war, between April 6, 1917, and November 11, 1918. They enlisted with a bona fide desire to serve their country and their flag, and because it was discovered that the boy was 16 and said he was 21, or that a boy 17 said he was 19, ought not to deprive him of his white discharge, and the War Department has refused to give every one of them an honorable discharge.

Mr. REECE. I would be glad to see them given a white discharge.

Mr. BLANTON. Would the gentleman permit an amendment to the bill that would require that of the War Department?

Mr. REECE. If the gentleman thinks it would not endanger the passage of the bill.

Mr. BLANTON. It would not, and I believe it would help the passage of the bill in another body.

Mr. REECE. But the bill has already passed the Senate, and if it passes now it is ready for the signature of the President.

Mr. BLANTON. This worthy amendment would not endanger the bill at all, I think.

Mr. REECE. I should be personally very glad to accept such an amendment.

Mr. HILL of Maryland rose.

Mr. BLANTON. Mr. Speaker, I want to say this to my colleague from Maryland: That he does not want these boys—and there are lots of them—who misrepresented their age in order to be taken into the Army, who did it for the sole purpose of serving their country in the World War, to go through life with a discharge that is not honorable? Surely he is not in favor of that?

Mr. HILL of Maryland. Mr. Speaker, I am going to give the gentleman from Texas the greatest shock of his life. I was about to say that I entirely agree with him; that I think they ought to have an honorable discharge.

Mr. BLANTON. The gentleman says that he was about to say it? Why does he not say it?

Mr. HILL of Maryland. Because the gentleman was stating that I was not going to state that. Mr. Speaker, I think these boys ought to have their honorable discharges. In most cases they were discharged at the request of their parents.

Mr. BLANTON. Of course, and it was not the boys' fault that they were discharged; yet they are now penalized.

Mr. HILL of Maryland. It was not the boys' fault in any way. I know of a number of cases of boys who died from flu, in the flu epidemic, under their so-called forged enlistments, as they are known.

Mr. BLANTON. Mr. Speaker, I move to amend the bill at the end of it by striking out the period, adding a colon, and the words:

Provided, That in all such cases the War Department shall grant to such men the usual honorable discharge.

Mr. BLAND. Mr. Chairman, I move to strike out the last word. I introduced a bill similar to the bill which has been reported. I am in hearty accord with the views expressed by the gentleman from Texas [Mr. BLANTON]. This bill passed the Senate in the last Congress and came over here and was tied up. It failed of passage. The bill which is now being considered has already passed the Senate, and if the bill in the form in which it has been read passes this House it will go immediately to the President for his signature and become a law. These boys are held up now on their applications for adjusted compensation, and as much as I am in favor of the amendment of the gentleman from Texas, I prefer that there be no amendment, in order that the bill may go to the President, so far as my vote is concerned. I hope the Military Affairs Committee of the House will get busy on the suggestion of the gentleman from Texas and bring in a bill to correct the difficulty to which he refers.

Mr. BLANTON. Mr. Speaker, I think I can state this to my friend from Virginia, that if he will let this amendment go by, I have some assurance from certain Members in the Senate that the amendment will be agreed to and the bill passed. These boys ought to be given some relief. It is a matter that affects everybody in the United States.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BLAND. Yes.

Mr. CRAMTON. If the House places an amendment upon this Senate bill, such as suggested by the gentleman from Texas [Mr. BLANTON], the bill would then go to the Senate. If that body accepted the amendment, that would end it and it would become a law. If, however, the Senate should refuse to accept the amendment, they will then send a message back to the House notifying them of that fact and asking for a conference, and the House may then elect to recede or agree to the conference. There does not seem to be much danger to the legislation by adopting this amendment.

Mr. BLAND. Very well; the House can use its judgment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 2, line 4, after the word "act" at the end of the bill insert the following: *Provided further*, That in all such cases the War Department shall issue to such men the usual honorable discharge."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was ordered to lie on the table.

FORT HALL INDIAN RESERVATION

Mr. SMITH. Mr. Speaker, I ask unanimous consent that we return to No. 122, H. R. 5710.

The SPEAKER. The gentleman from Idaho asks unanimous consent to return to No. 122, H. R. 5710. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

A bill (H. R. 5710) extending the provisions of section 2455 of the United States Revised Statutes to ceded lands of the Fort Hall Indian Reservation.

The SPEAKER. Is there objection?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I simply wish to have information as to the procedure for sale of this land under the statute.

Mr. SMITH. Mr. Speaker, section 2455 of the Revised Statutes provides for the sale in open market of land that has been unentered under the homestead or other laws because of its rough and useless character. When the Fort Hall Reservation was opened that provision of the land law was not extended to the ceded portion of the reservation, and now after 25 years there are certain small tracts of mountainous land, which have never been entered, which it is desired shall be offered for sale in the open market, under section 2455 of the Revised Statutes, known as the isolated-tract law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of section 2455, United States Revised Statutes, as amended by the act of June 27, 1906 (34 Stat. L., p. 517), and by the act of March 28, 1912 (37 Stat. L., p. 77), are made applicable to the ceded lands on the former Fort Hall Indian Reservation: *Provided*, That no land shall be sold at less than the price fixed by law now less than $1.25 per acre.

The committee amendments were read as follows:

Page 1, line 8, after the word "provided" strike out "that no land shall be sold at less than the price fixed by law now less than $1.25 per acre," and insert "That no land shall be sold at less than the price fixed by the law opening lands to homestead entry."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider the vote was laid on the table.

TO FORM A CONSTITUTION AND STATE GOVERNMENT FOR NEW MEXICO

The next business on the Consent Calendar was the bill (H. R. 3925) to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States."

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BEGG. Mr. Speaker, I think I shall have to object, but I will reserve the right to object to make a statement.

The SPEAKER. This bill requires three objections.

Mr. BEGG. I have not seen anybody else. It does seem to me that a bill granting permission to a State to rewrite its constitution when that constitution directly affects the Federal Government ought to be of enough importance so that some more information would be available than is contained on this little bit of sheet and when the Government does not come out whole-heartedly and indorse it. That is my reason for objecting.

Mr. BLANTON. Does not the gentleman think that the little State of New Mexico, away off in the Southwest, should be granted the same privilege as all the other States? That is all it asks.

Mr. BEGG. I perhaps might think so, but there is no information available as to why it is intended to do it or what they are going to do.

Mr. MORROW. I think the gentleman desires to be fair.

Mr. SINNOTT. Mr. Speaker, this bill had very careful consideration in the committee last year and this year. The lands in their present state are practically worthless to the State because they are water-logged and they are alkaline. Now, if they are permitted to put them in a drainage district, the value of the land will be enhanced.

Mr. BEGG. Who is to pay the bill for putting them in this drainage system?

Mr. SINNOTT. The State pays the bill.

Mr. BEGG. Why can not they do it under their constitution now?

Mr. SINNOTT. Of the income derived from the land, because the constitution now says the proceeds from those lands must go into a school fund. Now, the lands are worthless in their present state. If they are drained, their value may be enhanced from $5 to $50 or $100 an acre, and with the increased value the price goes into the school fund; but at the present time they are worthless.

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Are there three objections?

Mr. BEGG. Give us a chance to get a little information. If the gentleman demands the regular order, I shall be forced to object.

Mr. CHINDBLOM. Do not demand the regular order on this.

The SPEAKER. Are there three objections?

Mr. CHINDBLOM. If we can not have an explanation of the bill——

The SPEAKER. Four gentlemen are standing.

Mr. SINNOTT. I ask unanimous consent that the gentleman from New Mexico [Mr. MORROW] have an opportunity to give an added explanation of the bill.

Mr. BLANTON. I withdraw the demand for the regular order.

The SPEAKER. The gentleman from New Mexico is recognized for five minutes.

Mr. MORROW. Mr. Speaker, I think this House wants to be fair in a matter of this kind. I represent the entire State of New Mexico. I realize that when the different States received their public lands from the Government, even the gentleman's State of Ohio, there were no restrictions made concerning how those lands should be disposed of.

Mr. BEGG. If the gentleman will permit me to ask a question at the start which is a stumblingblock to me. What does the Secretary of the Interior mean when he uses this language?

The enactment of the bill will materially modify the policy expressed by the Congress in the enabling act.

Mr. MORROW. I will explain that to the gentleman. Under the enabling act these are school lands. Every township in the State of New Mexico had four sections of school lands, namely, 16, 36, 2, and 32. These lands were given for school purposes. The funds derived from them must go into the school fund. Any revenue from a lease of the lands or whatever revenue may be derived goes into the school funds. In case of sale of the land the proceeds also go into the school funds. These lands could not be drained, could not be reclaimed by any act of the State, because the State had no power to use the funds except for the particular purposes named in the enabling act. And I want to call the gentleman's attention to the fact that the Secretary of Agriculture very strongly recommends this legislation.

In the State they are forming drainage districts to reclaim the land. This land at the present time is leased at not to exceed from 3 to 5 cents per acre. It has no value except for grazing purposes.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. CHINDBLOM. Will the overplus, after the cost of the drainage has been paid out of the proceeds of sale, be used for school-fund purposes?

Mr. MORROW. Absolutely.

Mr. CHINDBLOM. In that case, I submit my friend should not object.

Mr. MORROW. The purpose is to reclaim land that is worthless now.

Mr. SNELL. Will the gentleman yield?

Mr. MORROW. Yes; certainly.

Mr. SNELL. I may say that I raised a question two weeks ago in regard to this proposition, but since that time I have looked it up quite fully and I am rather of the opinion that the gentleman is right in his contention that the bill ought to be passed.

Mr. CHINDBLOM. With the explanation about the overplus, I am perfectly satisfied.

Mr. BEGG. Will the gentleman yield for one more question?

Mr. MORROW. Certainly.

Mr. BEGG. Is the proposed constitutional change only applicable to the school land?

Mr. MORROW. Only as to the particular lands that will be used.

Mr. BEGG. The school sections that have been set aside.

Mr. MORROW. The school sections that go into a drainage district. Where a drainage district is formed there is perhaps one school section, or may be two school sections, and under existing law the State can not do anything. This is for the purpose of enabling the State to pass legislation to permit these lands to bear their proportionate part.

Mr. BEGG. The school lands?

Mr. MORROW. The school lands.

Mr. BEGG. If the gentleman makes the flat statement that that is the only purpose, I shall not object; but there was no such information available before.

Mr. TINCHER. Will the gentleman yield?

Mr. MORROW. I yield to the gentleman.

Mr. TINCHER. The gentleman stated the State of Ohio, for instance, had its public lands without any such restriction as this. It is true that most of the Western States have had this restriction and most of them have a very handsome school fund.

Mr. MORROW. This does not interfere with the school fund at all. It does not interfere with the general school lands, except the particular land that is put in a drainage district.

The land may be worth at the present time $5 an acre. Under drainage it becomes worth perhaps $150 an acre. The additional cost of drainage will probably run from $15 to $30 per acre. The balance, or the profit derived therefrom, goes directly into the school fund.

Mr. TINCHER. I think that is fair.

Mr. BEEDY. Will the gentleman yield?

Mr. MORROW. Yes.

Mr. BEEDY. I may say to the gentleman I have given some attention and thought to this bill and I think its is a meritorious one; but I want to call his attention to the fact that in the bill itself the complete title of the original act is not embodied, nor is the date of approval of the original act contained in the bill, which is the proper and the usual form. The gentleman, I take it, will have no objection to the insertion of an amendment in line 6, after the comma, adding words which will complete the title of the original act?

Mr. MORROW. I am perfectly willing to accept that.

The SPEAKER. The time of the gentleman from New Mexico has expired.

Mr. BEEDY. I ask unanimous consent that the gentleman may have two minutes more, so that we can come to an agreement on this matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. BEEDY. Do I understand the gentleman has no objection?

Mr. MORROW. Absolutely no objection.

The SPEAKER. Are there three objectors to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States," be amended by inserting, in section 10 of said act, at the conclusion of the second paragraph, following the word "trust," the following: "*Provided, however*, That the State, through proper legislation, may provide for the payment, out of the income from the lands herein granted, which land may be included in a drainage district, of such assessments as have been duly and regularly established against any such lands in properly organized drainage districts under the general drainage laws of said State."

Mr. BEEDY. Mr. Speaker, I offer the following amendment: On line 6, after the word "States," strike out the comma and insert the following:

And to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States, approved June 20, 1910.

The SPEAKER. The gentleman from Maine offers an amendment, which the Clerk will report.

Mr. BEGG. Mr. Speaker, I submit the amendment is not in order.

Mr. BURTNESS. If the gentleman from Maine will permit, as I understand it, all you are doing is adding to the language so as to cover the title of the original bill, and your amendment does not affect the wording or the purpose of the bill at all?

Mr. BEEDY. Not at all.

Mr. BEGG. Mr. Speaker, I reserve a point of order on the amendment.

Mr. SNELL. If the amendment is adopted, will not that include the State of Arizona also?

Mr. BURTNESS. As I understand, there is the same enabling act for the two States.

Mr. BEGG. Mr. Speaker, I make the point of order on the amendment that it is not germane.

Mr. BLANTON. I make the point of order that the point of order comes too late.

Mr. BEGG. It does not come too late, because I reserved a point of order.

Mr. BLANTON. I beg your pardon.

Mr. CHINDBLOM. Mr. Speaker, I submit a point of order can not be in question, because the question is whether the title is properly described.

Mr. BEEDY. Mr. Speaker, the title to the original act read as follows:

A bill to amend an act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, and to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States," approved June 20, 1910.

That was the original act and here we are going to amend the original act, and it seems to me we ought to have the title of the original act.

Mr. BLANTON. To satisfy the gentleman from Ohio you should strike out what you offer to put in——

Mr. BEGG. I submit that the only part of the act we are trying to amend is the part relating to New Mexico. But, Mr. Speaker, I will withdraw my point of order.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maine.

The Clerk read as follows:

Amendment offered by Mr. BEEDY. Page 1, line 6, after the word "State," insert "and to enable the people of Arizona to form a constitution and State government and be admitted to the Union on an equal footing with the original States, approved June 20, 1910."

Mr. BEEDY. Now, Mr. Speaker, in order to make the bill complete and harmonious there ought to be another amendment inserted on line 9, after the word "States" and before the comma. Insert, after the word States, "of New Mexico."

The Clerk read the amendment, as follows:

Page 1, line 9, after the word "States" insert the words "of New Mexico."

The SPEAKER. The question is on the amendments offered by the gentleman from Maine.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE BILLS

Mr. DENISON. Mr. Speaker, I ask the indulgence of the House. I want to group the rest of the bridge bills. I ask unanimous consent that the following bills on the calendar—

H. R. 5691. A bill granting the consent of Congress to Charles L. Moss, A. E. Harris, and T. C. Shattuck, of Duncan, Okla., to construct a bridge across Red River at a point between the States of Texas and Oklahoma where the ninety-eighth meridian crosses the Red River;

H. R. 7190. A bill granting the consent of Congress to the Grandfield Bridge Co., a corporation, to construct, maintain, and operate a bridge across Red River and the surrounding and adjoining public lands, and for other purposes;

H. R. 8462. A bill to authorize the county of Loudon, in the State of Tennessee, to construct or acquire, by purchase or otherwise, to own, operate, and maintain a bridge, either free or toll, across the Tennessee River near Loudon, Tenn.;

H. R. 8771. A bill to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.;

H. R. 8950. A bill granting the consent of Congress to the State of Minnesota to construct a bridge across the Minnesota River at or near Shakopee, Minn.;

H. R. 9095. A bill to extend the time for commencing and completing the construction of a bridge across the St. Francis River near Cody, Ark.;

H. R. 9007. A bill granting the consent of Congress to Harry E. Bovay to construct, maintain, and operate bridges across the Mississippi and Ohio Rivers at Cairo, Ill.; and

H. R. 7093. A bill granting the consent of Congress to O. Emmerson Smith, F. F. Priest, W. P. Jordan, H. W. West, C. M. Jordan, and G. Hubard Massey to construct, maintain, and operate a bridge across the southern branch of the Elizabeth River at or near the cities of Norfolk and Portsmouth, in the county of Norfolk, in the State of Virginia—

all of which are reported from the Committee on Interstate and Foreign Commerce and all of which have certain amendments—I ask unanimous consent that all these bills may be considered as called up without objection, amendments agreed to, bills engrossed and read a third time and passed.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bills H. R. 5691, H. R. 7190, H. R. 8462, H. R. 8771, H. R. 8950, H. R. 9095, H. R. 9007, and H. R. 7093 be considered, the amendments agreed to, the bills engrossed and read a third time and passed, and a motion to reconsider and the title amended wherever necessary. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, do any of these bills contain anything unusual, any unusual feature like the question of contribution by municipalities or States or any other element which ordinarily would require the attention of the House?

Mr. DENISON. Most of them are similar to the ones we passed a while ago. They are in the standard form which the committee has approved of, and there is nothing in the bills that will raise any opposition.

Mr. BLANTON. They are the same kind of bills we have passed to-day?

Mr. DENISON. Certainly.

Mr. BEGG. I would like to ask a question in reference to Calendar No. 132. Why have you deviated from the regular form provided for these bills?

Mr. DENISON. That is H. R. 5691. That is similar to the bills we have been passing. But that is done because it is proposed to have a toll bridge and we are passing all toll bridge bills under certain restrictions with a provision for recapture.

Mr. BEGG. As I recollect, there is a difference in the recapture clause in certain bills. Am I right?

Mr. DENISON. There is a slight difference, for instance, where the bridge is built by a municipality and where it is built by private individuals. The committee has adopted the policy of making some different provisions in those cases, but they are going to be followed in all cases where the facts are the same.

Mr. TILSON. Does the gentleman include Calendar No. 173, H. R. 9109, for the construction of a bridge across the White River?

Mr. DENISON. No; I have not. I am going to ask that next. That bill was not amended.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. DENISON. Yes.

Mr. BLANTON. The policy with regard to the recapture clause, where the bridge is built by a corporation other than a municipality, is that within 15 years the municipality may recapture the bridge?

Mr. DENISON. Or the State.

Mr. BLANTON. Or the State, and that within five years it shall become a free bridge?

Mr. DENISON. That is the policy adopted. Mr. Speaker, I may state that within the next day or two the subcommittee on bridges of the House Committee on Interstate and Foreign Commerce is to confer with the subcommittee on bridges of the Senate committee. When we shall have reached an agreement I shall insert in the CONGRESSIONAL RECORD the forms that have been agreed upon by the committees of the two Houses with reference to these various kinds of bridge bills, and the Members will have those forms available.

Mr. LAGUARDIA. Mr. Chairman, when did the committee adopt the policy of recapture? I raised the question a few weeks ago about one of these toll bridges, and it passed the House. There was no recapture clause in it. I think it is the proper policy. I am wondering when it was adopted.

Mr. DENISON. We passed some bridge bills with such provisions at the last session of Congress, and we have adopted that policy definitely at this session of Congress.

Mr. LAGUARDIA. A few bills slipped through a few weeks ago without any recapture clause.

Mr. BLANTON. Let me make this suggestion to the gentleman from Illinois [Mr. DENISON]. I am very glad that this particular committee has to consider all of these bridge bills, and I wish it were possible, in view of what has happened in the last few days, that we could refer to this committee the further duty of considering all District bills. The committee ought to have something else to do to keep it busy. [Laughter.]

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I think that the bills should be printed in the RECORD. This is the Consent Calendar that we are considering, and it is the custom, of course, to have the bills read. They have not been read, but I think they should be printed in the RECORD.

The SPEAKER. Does the gentleman desire the entire bill printed or the title of it?

Mr. GARRETT of Tennessee. It is the custom of course with these bills on the Consent Calendar to have them read in full, and, therefore, appear in full in the RECORD. They are not very long, I take it.

Mr. DENISON. Some of them are not.

Mr. TILSON. Does the gentleman mean that these bills are printed in the RECORD in full?

Mr. GARRETT of Tennessee. Yes; when we consider the Consent Calendar.

Mr. TILSON. Some of these bills are very long.

Mr. GARRETT of Tennessee. If they are very long of course it would encumber the RECORD and I do not care to do that. All that I am interested in is just a matter of orderly procedure.

Mr. TILSON. The title could be printed.

Mr. GARRETT of Tennessee. Let it go with the printing of the title.

The SPEAKER. The Chair thinks the title would be printed without request.

Mr. CHINDBLOM. Passing them in this way, we all have a chance to see these bills to-morrow, but it may serve some good purpose to have them printed.

Mr. BLANTON. That is never done with bridge bills.

Mr. TILSON. I think it would encumber the RECORD and that the titles would be sufficient. Then anyone interested can refer to the bill from the title.

The SPEAKER. As the Chair understands all of these bills will be printed by title in the RECORD.

Mr. DENISON. Yes.

The SPEAKER. Is there objection to the course just suggested with regard to these bridge bills?

There was no objection.

So the foregoing bills were considered, read twice, the several committee amendments were agreed to, the bills ordered engrossed and read a third time, read a third time, and passed, and a motion to reconsider the votes whereby the several bills were passed was laid upon the table.

Mr. DENISON. Mr. Speaker, I have one more short request to make, and that will dispose of all of the rest of the bridge bills. I ask unanimous consent that Calendar No. 169, H. R. 8909, a bill granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River; Calendar No. 170, H. R. 8910, a bill granting the consent of Congress to the county of Barry, State of Missouri, to construct a bridge across the White River; and Calendar No. 173, H. R. 9109, a bill to extend the time for the construction of a bridge across the White River; all of which are reported from the Committee on Interstate and Foreign Commerce, not amended in any particular, be considered as called up, without objection, reported, ordered to be engrossed and read the third time, read the third time and passed, and that a motion to reconsider the votes by which the bills have been passed be laid on the table.

The SPEAKER. Without objection, the bills H. R. 8909, H. R. 8910, and H. R. 9109 will be considered as having been read twice, ordered to be engrossed and read a third time, and passed, and a motion to reconsider the votes by which the bills have been passed laid on the table.

There was no objection.

ALASKA ANTHRACITE RAILROAD CO.

The next business on the Consent Calendar was the bill (H. R. 6573) to extend the time for the completion of the Alaska Anthracite Railroad Co., and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time for the compliance of the Alaska Anthracite Railroad Co. or its successors in interest or assigns with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled, "An act extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska is hereby extended—

First. Said company, its successors and assigns, shall have two years from May 11, 1925, wherein to file its map of final and definite location of its Stillwater branch line running up Stillwater Creek approximately 5.79 miles; and two years from date of the passage of this act wherein to file final and permanent map of its Canyon Creek branch, and three years from date of the passage of this act wherein to complete the construction of its main line of railroad and branches.

Second. Said company, its successors and assigns, shall be exempt from license tax during the period of construction of the railroad and for one year thereafter, provided that this exemption shall exist and

operate only during the continuance of the construction of said road in good faith, and in the event of unnecessary delay and failure in the construction and completion of said road, the exemption from taxation herein provided shall cease, and said tax shall be collectible as to so much of said road as shall have been completed: *Provided*, That nothing herein contained shall be held or construed to affect any now vested rights of other parties: *And provided further*, That the Congress reserves the right to alter, amend, or repeal this act.

With the following committee amendment:

Page 2, line 2, after the word "years" strike out the words "from May 11, 1925, wherein to file its map of the final and definite location of its Stillwater branch line running up Stillwater Creep approximately 5.79 miles; and two years."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

REGULATING GRANTING OF PASSES ON THE ALASKA RAILROAD

The next business on the Consent Calendar was the bill (H. R. 6117) to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, the title of this bill is all misleading. This railroad is a Government-operated railroad. The expenses of it are paid by the people of the United States. If this bill is passed the following persons may be granted passes not once but every time they want them during the year, to wit: All indigent persons; all destitute persons; all homeless persons; all newsboys on trains—that does not mean newsboys regularly employed, but any newsboys who want to run on that train. The bill provides that they may get passes. It provides an interchange of passes not only for officers and agents and employees of all other common carriers all over the United States that are in the employ of private corporations, but it provides all of their families, who can get an interchange of passes and all ride free on this Government-controlled railroad. Now, is the Government going to get a corresponding benefit from all these other railroads all over the United States? No, because such is not possible.

Mr. CRAMTON. The general manager or any official of the Alaska Railroad who has to come to Washington gets the benefit of the transportation.

Mr. BLANTON. Oh, yes; but that is hardly worth mentioning. The only passes the Government gets are for the employees of its one little railroad, who can not travel much. We will get one pass to one officer of the United States, and then we will have to grant passes to every officer, general manager, employee and all their families, of every railroad in the whole United States every time they want to take a summer trip up in Alaska, and that is something that would be expensive, and we do not want to do it.

Mr. JOHNSON of Washington. That will be a good thing. If the distinguished gentleman could get the presidents of all the railroads and vice presidents, directors and their families to visit Alaska and learn the particulars there it will be one of the best things that ever happened for the whole United States.

Mr. BLANTON. I do not believe in this kind of reciprocity.

Mr. JOHNSON of Washington. It costs nothing.

Mr. BLANTON. Yes; it does cost to transport tourists free. Now I have seen bill after bill passed here this afternoon by our distinguished friend from Alaska [Mr. SUTHERLAND]. I made no objection to them because it did not put a great burden on the United States. He has passed several bills. This is not his bill. Nobody from Alaska has asked that this bill be passed?

Mr. SUTHERLAND. Yes; I am asking that it be passed. This bill is the form of the law which prevails in the United States to-day giving all railroads——

Mr. BLANTON. I want to say this Alaska Railroad has already cost the people of the United States a tremendous sum of money. It has cost many millions of dollars. It is a public question, the expense of handling tourists free, and everybody will have to contribute to it.

Mr. SUTHERLAND. The Government wants the employees of the Alaska Railroad to have the same privilege which the railroads in the States have.

Mr. BLANTON. If the Government owned as many railroads as the private corporations there would be reciprocal agreement, but when it owns only one little railroad I submit in getting one pass it is not fair reciprocity, when we would have to grant free passes on this Government railroad for every manager and employee of all the many railroads in the United States and also for their families. It would eventually cost the people of the United States much money.

Mr. SUTHERLAND. That applies to all other railroads.

Mr. BLANTON. I hate to object to a bill introduced by my distinguished friend from California [Mr. CURRY], but I can not let this bill pass by unanimous consent.

Mr. CURRY. Withhold the objection. Let me tell you about this.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice until we can have it properly amended.

The SPEAKER. The gentleman asks unanimous consent the bill be passed over without prejudice. Is there objection?

Mr. CURRY. Mr. Speaker, I hope the gentleman will withhold his objection for a moment. He has made a speech against the bill and I would like to make a little explanation in reference to this bill.

Mr. BLANTON. I withhold it so the gentleman may speak, but then I must ask that it be passed over without prejudice, so that we may agree on amendments to safeguard it.

Mr. CURRY. Mr. Speaker, the fact of the matter is that the Alaska Railroad did grant these passes until the Attorney General ruled that under the law it could not do so. The railroad officials of Alaska have asked that the Alaska Railroad, a Government railroad, be placed in the same position, so far as passes are concerned, as every other railroad in the United States and with the railroad across the Isthmus of Panama, that is a Government-owned railroad, as far as passes are concerned. Under the Interstate Commerce Commission rules the employees of the roads are granted interchangeable passes over all railroads, but not for all of their families. There are certain people, indigent people, who are also granted passes, and sick persons are granted passes, and ministers of the gospel are granted passes. Secretaries of Young Men's Christian Associations are granted passes, and they are interchangeable. The fact of the matter is that none but railroad men themselves and certain people engaged in religious and eleemosynary work and indigent are to receive these passes, and the people engaged in religious and eleemosynary work are only to receive them when they are at work in Alaska. Last year if this bill had been in operation it would have saved the Alaska Railroad Co. nearly $2,000. Of course, we enacted the law to build the Alaska Railroad. It cost a lot of money. I was on the committee at the time and later became the chairman of the committee. I told this House it would be 20 years before that road would be self-sustaining, and when this House almost unanimously passed an extra $17,000,000 for the completion of the road I stated at that time there would be at least from $500,000 to $1,000,000 a year deficiency for at least 20 years, until the policy regarding Alaska was changed so that people could go there and develop the country. It is going to cost money, but here is a place where we can save a little money by having an interchange of passes. The railroad officials ask for it, the railroad trainmen have asked for it, the Governor of Alaska has asked for it, the chambers of commerce of Alaska have asked for it, and the man whom we hold responsible for the running of the railroad, Mr. Smith, the manager of the Alaskan Railroad has asked for it. I am not personally interested in it at all.

Mr. BEGG. Will the gentleman from California permit a question?

Mr. CURRY. I will.

Mr. BEGG. I thought I understood the gentleman to say a moment ago that if this law was passed it would be identical with conditions on privately operated railroads in the United States.

Mr. CURRY. Yes.

Mr. BEGG. I never knew that ministers of the gospel and Young Men's Christian Association secretaries and destitute people got passes on the railroads.

Mr. CURRY. Well, they do.

Mr. BEGG. On our railroads to-day?

Mr. DENISON. They get half-fare rates.

Mr. BEGG. I thought the only people who got passes were the operators or workers themselves on the railroads.

Mr. CURRY. The gentleman is wrong. They travel on half fare at any time—on passes when engaged on Y. M. C. A. and religious work.

If the gentleman from Texas [Mr. BLANTON] wishes to amend the bill by striking out the provision with reference to the secretaries of Young Men's Christian Associations and destitute people and ministers of the gospel, I will accept it.

Mr. BLANTON. They are not the ones I mentioned. I did not object to them. I was willing for them to stay in the bill, but I do object to all the others I have mentioned, the families of all these employees and all these managers and all these directors who want to go out there for a pleasure trip in the summer.

Mr. CURRY. It has never been abused and can not be abused because the Secretary of the Interior and the manager of the railroad will see that it is not abused. The manager of the railroad has to issue each pass.

Mr. BLANTON. Would my friend, the gentleman from California, mind letting this bill go over just this one time? I think we can get these objections out of the way and have some understanding about it in the meantime. I ask unanimous consent, Mr. Speaker, that the bill may be passed over without prejudice.

Mr. CURRY. All right. So far as I am concerned personally, it could be stricken from the calendar. I am not interested in the bill myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

There was no objection.

DESTRUCTION OF PAID UNITED STATES CHECKS

The next business on the Consent Calendar was the bill (H. R. 8034) to authorize the destruction of paid United States checks.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BLANTON. Mr. Speaker, reserving the right to object, would the distinguished gentleman from Pennsylvania [Mr. GRAHAM] mind an amendment that would make this limitation eight years? If the gentleman will agree to that amendment there will be no objection so far as I am concerned to this bill, but it ought to go over one full administration.

Mr. GRAHAM. The gentleman from Texas was the objector the last time this bill was on the calendar and the gentleman asked me if I had any objection to striking out in line 9 the word "six" and inserting the word "eight," and I stated to him I would accept that amendment.

Mr. BLANTON. I have no objection, Mr. Speaker.

Mr. GARRETT of Tennessee. The same amendment, of course, will have to be made in line 12, on page 2.

Mr. GRAHAM. No; I beg the gentleman's pardon. That refers to the statute of limitations and the other is the one that relates to the destruction of checks.

Mr. GARRETT of Tennesee. I thought it was the intention to make the two harmonious.

Mr. GRAHAM. There is no lack of harmony. The one exists independently of the other.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States, respectively, are hereby authorized and directed to cause to be destroyed all United States Government checks and warrants issued by the Secretary of the Treasury, the Postmaster General, the Treasurer and Assistant Treasurers of the United States, or by disbursing officers and agents of the United States, six full fiscal years prior to the date of destruction, which checks and warrants have been paid and form the paid-check files of the Treasury Department and of the General Accounting Office wherever stored under their respective control, after all unpaid checks and warrants have been listed as outstanding as now required by law: *Provided*, That such checks and warrants as, in their discretion, respectively, may be deemed necessary in the public interests or the legality of the negotiation of which has been questioned in any material respect by any party in interest may be preserved.

SEC. 2. All claims on account of any check, checks, warrant, or warrants appearing to have been paid shall be barred if not presented to the General Accounting Office within six years after the date of issuance of the check, checks, warrant, or warrants involved.

Mr. BLANTON. Will the gentleman from Pennsylvania offer the amendment?

Mr. GRAHAM. Mr. Speaker, I offer an amendment to strike out in line 9, page 1, the word "six," and insert "eight."

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: On page 1, line 9, strike out the word "six" and insert in lieu thereof the word "eight."

The amendment was agreed to.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 1, line 9, after the word "States," insert "Except checks and warrants issued between the 1st day of April, 1917, and the 1st day of April, 1920."

Mr. LAGUARDIA. Mr. Speaker, the purpose of the amendment——

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the amendment.

Mr. LAGUARDIA. Mr. Speaker, the purpose of the amendment is to preserve warrants and checks issued during the World War. They have warrants there covering over 40 or 50 years, and certainly it will be no burden to preserve the war-time checks and warrants.

These documents have historic value and will be of great aid in the future to historians coming to Washington to look up records and look up facts and verify facts.

Now, it seems to me that it would be a great mistake after going through the World War to pass a blanket bill destroying these checks and warrants. I hope the gentleman will not object to the amendment. It will preserve the checks issued during two or three years of the war.

Mr. BLANTON. Mr. Speaker, I make a point of order against the amendment. It is not germane to the purpose of the bill. The purpose of the bill is to prevent a congestion of old papers in the hands of the Government. Its purpose is to destroy all checks within a certain time.

Mr. LAGUARDIA. May I direct the Speaker's attention in the same section to a provision that certain checks need not be destroyed if it is necessary for the public interest. My amendment specifies that certain checks shall not be destroyed.

Mr. BLANTON. I believe the gentleman is right and I withdraw the point of order.

Mr. GRAHAM. Mr. Speaker, I hope the amendment will not prevail. It is not desired by the department, it is not desired by the Comptroller General who requested that this disposition of papers be made. There is no reason why the checks should be preserved longer than eight years.

Mr. LAGUARDIA. Does the gentleman believe that the checks and warrants relating to loans to foreign governments should be destroyed?

Mr. GRAHAM. No. This is left entirely to the discretion of the Secretary, and in his letter he says that he wants to get rid of the rubbish that is encumbering the vaults. They have no space for them, and it is largely to cover papers relating to the subtreasury that has gone out of existence.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. LAGUARDIA].

The question was taken, and the amendment was rejected.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GRANT OF LAND TO THE CITY OF SPARKS, NEV.

The next business on the Consent Calendar was the bill (H. R. 8590) granting certain lands to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, does the gentleman think that the United States Government ought to provide dumping grounds for all of the 48 States?

Mr. ARENTZ. Oh, no; but does the gentleman see anything wrong in this bill?

Mr. BLANTON. I think it is unwise policy for the United States to embark upon.

Mr. ARENTZ. This is a rough piece of ground outside of the city and there is no other place to put the garbage. It is valueless as far as any other use that can be seen for it, and this will be putting it to a good use.

Mr. BLANTON. I do not want to see the Western States made a dumping ground.

Mr. ARENTZ. Neither do I.

The Clerk read the bill, as follows:

Be it enacted, etc., That the southeast quarter of the southeast quarter of section 2, township 19 north, range 20 east, M. D. C., Nevada,

be, and the same is hereby, granted to the city of Sparks, Nev., for a dumping ground for garbage and other like purposes, upon condition that the city shall make payment for the land at the rate of $1.25 per acre within six months after the approval of this act: *Provided*, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may provide: *Provided further*, That the grant herein is made subject to any valid existing claim or easements, and that the land hereby granted shall be urged by the city of Sparks, Nev., only for a dumping ground for garbage and other like purposes, and if the said land or any part thereof shall be abandoned for such use said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises to the public domain if at any time he shall determine that the city has for more than one year abandoned the land for the uses herein indicated, and such order of the Secretary shall be final and conclusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operations of this grant.

With the following committee amendments:

Page 1, line 4, strike out the letters "M. D. C." and insert in lieu thereof the letters "M. D. M."

Page 2, line 5, strike out the word "urged" and insert in lieu thereof the word "used."

The committee amendments were agreed to.

Mr. CRAMTON. Mr. Speaker, I offer an amendment on page 1, line 7, after the word "other," strike out "like" and insert in lieu thereof the word "municipality," and on page 2, line 7, the same amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "other" strike out the word "like" and insert in lieu thereof the word "municipality," and on page 2, line 7, insert the same amendment.

Mr. ARENTZ. Mr. Speaker, the amendment has been discussed between the gentleman from Michigan and myself and it is perfectly agreeable to me.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider was laid on the table.

TRANSFERRING M'KENZIE COUNTY, SOUTHWESTERN DIVISION JUDICIAL DISTRICT, NORTH DAKOTA

The next business on the Consent Calendar was the bill (H. R. 290) to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 99 of the act to codify, revise, and amend the laws relating to the judiciary as amended by the act of July 17, 1916, be amended to read as follows:

"SEC. 99. That the State of North Dakota shall constitute one judicial district, to be known as the district of North Dakota. The territory embraced on the 1st day of January, 1916, in the counties of Burleigh, Logan, McIntosh, Emmons, Kidder, McLean, Adams, Bowman, Dunn, Hettinger, Morton, Stark, Golden Valley, Slope, Sioux, Oliver, Mercer, and Billings shall constitute the southwestern division of said district; and the territory embraced on the date last mentioned in the counties of Cass, Richland, Barnes, Sargent, Ransom, and Steele shall constitute the southeastern division; and the territory embraced on the date last mentioned in the counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern; and the territory embraced on the date last mentioned in the counties of Ramsey, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division; and the territory embraced on the date last mentioned in the counties of Ward, Williams, Divide, Mountrail, Burke, Renville, and McKenzie shall constitute the western division; and the territory embraced on the date last mentioned in the counties of Griggs, Foster, Eddy, Wells, Sheridan, Stutsman, La Moure, and Dickey shall constitute the central division. The several Indian reservations and parts thereof within said State shall constitute a part of the several divisions within which they are respectively situated. Terms of the district court for the southwestern division shall be held at Bismarck on the first Tuesday in March; for the southeastern division, at Fargo on the third Tuesday in May; for the northeastern division, at Grand Forks on the second Tuesday in November; for the northwestern division, at Devils Lake on the first Tuesday in July; for the western division, at Minot on the second Tuesday in October; and for the central division, at Jamestown on the second Tuesday in April. The clerk of the court shall maintain an office in charge of himself or a deputy at each place at which court is held in his district: *Provided*, That the Government of the United States shall incur no expense for rent, light, heat, water, or janitor service for the building in which court shall be held until such time as the Government may erect its own court room: *Provided further*, That until such time as a public building with court room and offices for court officials be erected at the city of Jamestown, all cases now pending in said central division, or hereafter brought there, be tried at Bismarck."

The SPEAKER. Without objection, the Clerk will correct the spelling of the word "division" in line 23, page 2.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

TERMS OF UNITED STATES DISTRICT COURTS, MONTANA

Mr. TILSON. Mr. Speaker, earlier in the day I understood the Speaker to say that he intends to recognize the gentleman from Maryland [Mr. HILL] to move to suspend the rules about 4 o'clock. As that hour has now arrived I suppose that very soon the Speaker will recognize that gentleman. We have just now passed a bill authorizing the holding of an additional term of court in the State of North Dakota. The gentleman from Montana [Mr. LEAVITT] states that there is a case in his State where he very much wishes to get permission to hold court. A unanimous report has been made upon his bill by the Committee on the Judiciary. In his behalf I ask unanimous consent that we consider that bill at this time out of order. It is Calendar No. 152, H. R. 5701.

Mr. GARRETT of Tennessee. Is there any hurry about it?

Mr. TILSON. Yes. An additional place at which to hold court in his State for the convenience of the people there is very much desired. If it is not done now the matter will go over for two weeks. If there is no objection he would like very much to have it done to-day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that it may be in order to consider out of order at this time the bill (H. R. 5701) to designate the times and places for holding terms of the United States District Court for the District of Montana. Is there objection?

Mr. HUDSPETH. Mr. Speaker, reserving the right to object, is it the intention of the gentleman to go on with the calendar after the bill he is asking for is disposed of?

Mr. TILSON. If the Members will stay here, I shall be very glad to see them go on.

Mr. HUDSPETH. I have a bill on the calendar; the very next one.

Mr. TILSON. I would be very glad to see the Members stay here as long as they can.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 92 of the Judicial Code of the United States be amended to read as follows:

"SEC. 92. Montana: That the State of Montana shall constitute one judicial district, to be known as the district of Montana. Terms of the district court shall be held at Helena on the first Mondays in April and November; at Butte on the first Tuesdays in February and September; at Great Falls on the first Mondays in May and October; at Missoula on the first Mondays in January and June; at Billings on the first Mondays in March and August; at Glasgow on the first Mondays in July and December: *Provided*, That suitable rooms and accommodations for holding court at Glasgow are furnished free of all expense to the United States. Causes, civil and criminal, may be transferred by the court or a judge thereof from any sitting place designated above to any other sitting place thus designated, when the convenience of the parties or the ends of justice would be promoted by the transfer; and any interlocutory order may be made by the court or judge thereof in either place."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count.

Mr. BLANTON (interrupting the count). Mr. Speaker, as there is so nearly a quorum here I withdraw the point.

SALE OF SURPLUS WAR DEPARTMENT REAL ESTATE

Mr. HILL of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1129) authorizing the use for permanent construction at military posts of the proceeds from the sale of surplus War Department real property, and authorizing the sale of certain military reservations, and for other purposes, with certain amendments, which I send to the desk.

The SPEAKER. The gentleman from Maryland moves to suspend the rules and pass Senate bill 1129, with certain amendments. The Clerk will report the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be considered as having been read.

Mr. BEGG. This is the only reading of the bill there is.

Mr. BLANTON. But we all know what is in it.

Mr. HILL of Maryland. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or cause to be sold, either in whole or in two or more parts as he may deem best for the interest of the United States, the several tracts or parcels of real property hereinafter designated, or any portion thereof, upon determination by him that said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale and conveyance: *Provided*, That no part of any such tracts or parcels as are now actually occupied under lease by a post of the American Legion shall be sold until the expiration of any existing lease.

NAME OF RESERVATION

Anatasia Island, Fla.

Andrew, Fort, Mass.

Barrancas, Fort, Military Reservation, Fla. (that portion purchased in April, 1832, and reserved by Executive order of January 10, 1838, and subsequently transferred to the War Department).

Battery Bienvenue, La.

Boca Grande Military Reservation, Fla. (all except that portion reserved for and used as a marine hospital reservation).

Casey, Fort, Wash. (that portion known as "Shields Spring" tract, about 66 acres).

Chickamauga and Chattanooga National Military Park, Tenn. (lot No. 30 and one-half of lot No. 32 on Caroline Street).

Clinch, Fort, Fla. (remainder).

Crockett, Fort, Fla. (lots Nos. 45 and 55, section 1, Galveston, Tex.).

Dade, Fort, Fla.

De Soto, Fort, Fla.

Flag Island, Fla.

Howard, Fort, Md.

Jackson, Fort, La.

Jackson Barracks, La.

Key West Barracks, Fla.

Macomb, Fort, La.

Madison Barracks, N. Y. (water lot).

Martello Tower, West, Fla. (north portion, 10⅞ acres).

Martello Tower, East, Fla. (north portion, 10 acres).

Mobile Bay (islands in), Ala.

Moreno Point, Fla.

Morgan, Fort, Ala.

Newport News warehouses, Va. (that portion lying between the right of way of the Chesapeake & Ohio Railway and Virginia Avenue in the city of Newport News, and the said right of way of the said Chesapeake & Ohio Railway and the county road in the county of Warwick, and between Forty-ninth Street in the city of Newport News and the lands of the Old Dominion Land Co.).

Norfolk, Fort, Va.

Pensacola Military Reservation, Fla. (all but 552,000 square feet reserved for a fire-control station).

Perdido Bay Military Reservation, Fla. (east side of entrance to).

Perdido Bay Military Reservation, Ala. (lands west of and north of Bay La Launch).

Perdido Bay Military Reservation, Ala. (lands on west side of entrance to).

Pickens, Fort (Santa Rosa Island), Military Reservation, Fla. (portion comprising the east end of Santa Rosa Island).

Pike, Fort, La.

St. Andrews Sound Military Reservation, Fla.

St. Josephs Bay Military Reservation, Fla.

San Diego Barracks, Calif.

Schuyler, Fort, N. Y.

Ship Island, Miss.

Smallwood, Fort, Md.

Taylor, Fort, Fla. (the detached lot fronting on Whitehead Street between Louisa and United Streets in the city of Key West, Fla.).

Three Tree Point Military Reservation, Wash.

Townsend, Fort, Wash.

Marsh Islands (opposite Powder House Lot Military Reservation) near Saint Augustine, Fla.

Wingate, Fort, N. Mex. (that portion north of the right of way of the Atchison, Topeka & Santa Fe Railroad, 9,502 acres).

Washington, District of Columbia (part of lot 4, square 377).

SEC. 2. That prior to the sale under this act of any reservation created out of the public domain the Secretary of War shall make request upon the Secretary of the Interior to determine whether or not the State is entitled to any of the lands embraced therein under the so-called swamp land grant (act of September 28, 1850, Ninth Statutes, pages 519, 520), and if the Secretary of the Interior shall determine that the State under the provisions of the said act is entitled to any lands therein, he shall cause such lands to be surveyed and patented to the State: *Provided further*, That upon request of the Secretary of War the Secretary of the Interior may cause surveys to be made either as a whole or in two or more parts as the Secretary of War may request of any reservation or reservations authorized to be sold under this act.

SEC. 3. The Secretary of War is hereby authorized, directed, and empowered, in the event it be found that any citizen of the United States, or the ancestors, the assignors, or the predecessors in title of a citizen, either separately or by tacking, shall have for a period of 20 or more years immediately preceding the approval of this act resided upon and occupied adversely or improved any part or parcel of the aforesaid designated property or exercised ownership thereof based upon a deed of conveyance, purporting to convey a fee simple title and executed 20 years or more prior to the passage of this act, and theretofore made by one claiming title to such part or parcel, to have such part or parcel so claimed separately surveyed if requested in writing by a claimant within 60 days after the service of written notice on such person or his tenant or agent that the United States claims such land and to thereafter convey title to the claimant by quitclaim deed upon payment of 10 per cent of the appraised value thereof: *Provided*, That any claimant who fails or refuses for more than 60 days after the notice herein provided to make written application for survey and submit satisfactory record and other evidence required by the Secretary of War to substantiate the claim that he is entitled to a quitclaim deed under the provisions of this section shall forever be estopped from exercising any claim of title or right of possession to the property: *Provided further*, That in carrying out the provisions of this section the Secretary of War shall not incur any expense other than that incident and necessary to giving the notices required and surveying and platting such of the property as may be claimed by a citizen of the United States.

SEC. 4. The net proceeds of the sale of the surplus War Department real property hereinbefore designated, and the net proceeds of the sale of surplus War Department real property, including net proceeds derived from the sale of surplus buildings heretofore authorized and not heretofore covered into the Treasury, shall be deposited in the Treasury to the credit of a fund to be known as the military post construction fund, to be and remain available until expended for permanent construction at military posts in such amounts as may be authorized by law from time to time by the Congress: *Provided*, That where the lands sold were originally reserved from the public domain for military or other public purposes of the United States, before the deposit of the net proceeds of the sale into the Treasury there shall be deducted from the net proceeds of the sale and paid to the State in which the land is situated in each case the 5 per cent as provided by the act of March 3, 1845 (5 Stat. p. 788), and similar acts, of the net proceeds of the sale of all such lands as were reserved subsequently to the passage of such act or acts, but excepting and excluding, however, from such deduction the appraised value of any buildings or improvements that may have been constructed by the United States upon the said lands: *And provided further*, That estimates of the moneys to be expended from the said military post construction fund, including a statement of the specific construction projects embraced in such estimates, shall be submitted annually to Congress in the Budget.

SEC. 5. In the disposal of the aforesaid property the Secretary of War shall in each and every case cause the property to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such

appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 6. In the event that any other department of the Government shall require the permanent use of all or any part of any of the reservations herein authorized to be sold, the head of the department requiring the same shall, within 90 days after the approval of this act, make application to the Secretary of War for the transfer thereof, giving the specific reasons therefor, but no such transfer shall be made unless approved by the President.

SEC. 7. After ninety days from the date of the approval of this act, and after the appraisal of the lands hereinbefore mentioned shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract is located as to such lands not to be turned over to other departments, and such State or county in which such land is located, or municipality in or nearest which such land is located shall, in the order named, have the option at any time within six months after such notification to the governor to acquire the same or any part thereof which shall have been separately appraised and approved upon payment within such period of six months of the appraised value thereof: *Provided, however,* That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to the retention and use for public purposes, and upon cessation of such retention and use shall revert to the United States without notice, demand, or action brought: *And provided further,* That if the proper official or board of any such State, county, or municipality shall within such time limit notify the Secretary of War that said State, county, or municipality desires to exercise such option but has not the money available with which to make the payment, then said land or such part thereof as may have been separately designated shall be held for sale to such State, county, or municipality for a period not to exceed two years from the date of such notification: *And provided further,* That the sale of Fort Gaines, Ala., authorized to be sold under the act of June 4, 1924, may be consummated under the provisions of this section at any time prior to the public sale thereof as provided in said act.

SEC. 8. Six months after the date of the notification of said appraisal, if the option given in section 7 hereof shall not have been exercised in the manner herein specified, or after receipt by the Secretary of War of notice that the State, county, and municipality do not desire to exercise the option herein granted, the Secretary of War may sell or cause to be sold each of said properties at public sale at not less than the appraised value thereof, after advertisement in such manner as he may direct.

SEC. 9. The expenses of appraisal, survey, advertising, and all expenses incident to the sale of the property hereinbefore authorized for disposition shall be paid from the proceeds of the sale of any of the properties sold under this act: *Provided,* That no auctioneer or person acting in said capacity shall be paid a fee for the sale of said property in excess of $100 a day.

SEC. 10. A full report of all transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War upon the consummation thereof.

SEC. 11. Hereafter if any real property acquired for military purposes becomes useless for such purposes, the Secretary of War is directed to report such fact to Congress in order that authorization for its disposition in accordance with this act may be granted.

SEC. 12. The authority granted by this act repeals all prior legislative authority granted to the Secretary of War to sell or transfer any of the reservations herein designated.

Mr. GARRETT of Tennessee (interrupting the reading of the bill). Mr. Speaker, if I may interrupt the reading of the bill long enough, may I ask the gentleman from Maryland a question? The gentleman from Maryland stated there were certain amendments. Are those committee amendments, or has the gentleman from Maryland individual amendments of his own?

Mr. HILL of Maryland. They are all committee amendments, and I offer them all with the exception of the amendment on page 8, line 12. I am not offering that committee amendment because in the opinion of the chairman on appropriations it cuts out the Budget. Otherwise all of the committee amendments are offered.

Mr. GARRETT of Tennessee. The gentleman is not offering that amendment?

Mr. HILL of Maryland. I am not. In other words, I am offering all committee amendments except that.

Mr. CARTER of Oklahoma. Are all of the amendments that the gentleman is offering committee amendments?

Mr. HILL of Maryland. Yes.

Mr. McSWAIN. Do I understand the gentleman to say, representing the committee, that he fails to report and fails to recommend one amendment which the committee instructed him to report and recommend?

Mr. HILL of Maryland. I say that to the gentleman, because it cuts out the Budget.

Mr. McSWAIN. Was it not the intention of our committee to cut out the Budget?

Mr. BLANTON. Mr. Speaker, the gentleman, under the rules governing suspension, can not do that.

The SPEAKER. The gentleman may offer any motion he desires.

The Clerk continued the reading of the bill.

Mr. GARRETT of Tennessee (interrupting the reading). Mr. Speaker, if I may again interrupt the reading of the bill and have the attention of the gentleman from Maryland, there seems to be some confusion about the question of amendments. I do not know whether it will be agreeable to the House or not, but I have in mind a suggestion which I think would expedite the consideration of the bill and at the same time open it for amendment other than the amendments that the gentleman himself intends to propose. That is, that the bill be considered by unanimous consent; that the gentleman make a request that the bill be considered by unanimous consent. That will open it for amendment. As it is now, it will not be open to any amendment except such as the gentleman includes in his motion to suspend the rules.

Mr. BEGG. Under what procedure could that be done? One man then could stop the consideration of the bill.

Mr. GARRETT of Tennessee. That is quite true. I merely make the suggestion that the gentleman from Maryland ask unanimous consent and let us see what the result will be.

Mr. HILL of Maryland. Mr. Speaker, unanimous consent would not be granted, because I know one gentleman who said that he would object to it. So far as the amendments are concerned, the only amendment not offered is the one to which I have already referred.

Mr. JOHNSON of Washington. Regular order, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, I am not interested in the question of amendment, but I am interested in getting the bill considered in the best way so that it may be open to such amendments as gentlemen desire to offer. Really I do not see why anybody should object to its being considered by unanimous consent and open to amendment. I assume the gentleman has the votes to pass it by suspension of the rules. I am not making any request. I am merely suggesting that the gentleman from Maryland ask it.

A MEMBER. What would be the plan for closing the debate and reaching a vote?

The SPEAKER. It would be considered in the House as in Committee of the Whole House under the five-minute rule. Where unanimous consent is given when the Consent Calendar is under consideration, under the ruling of Mr. Speaker GILLETT, the bills are considered in the House as in Committee of the Whole.

Mr. HILL of Maryland. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HILL of Maryland. Should unanimous consent be granted, it is my understanding the bill is read for amendment without any general debate on the bill.

The SPEAKER. It will be considered in the House as in Committee of the Whole House.

Mr. HILL of Maryland. I think it is only fair that there be at least 20 minutes on a side for those opposed and those favoring the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the bill be considered in the House as in Committee of the Whole, if unanimous consent is granted, would not the gentleman from Maryland be entitled to recognition for an hour and control that time with the right to move the previous question?

Mr. BEGG. If we want to pass this bill——

The SPEAKER. The Chair thinks that under the ruling of Speaker GILLETT it would proceed as with all other bills in the House as in Committee of the Whole with no general debate.

Mr. HILL of Maryland. I think that there should be an explanation of the bill and an opportunity for opposition on general debate before the five-minute rule comes up. Mr. Speaker, in view of the late hour, I feel if it is considered under the five-minute rule we will probably never be able to pass the bill until next week, so I request that my motion stand.

The SPEAKER. The Clerk will proceed with the reading of the bill.

The Clerk resumed and concluded the reading of the bill.

Mr. McSWAIN. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. McSWAIN. As it stands, unamended.

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Maryland is recognized for 20 minutes, and the gentleman from South Carolina is recognized for 20 minutes.

Mr. HILL of Maryland. Mr. Speaker, I shall yield 10 minutes of the 20 minutes to the gentleman from Tennessee [Mr. FISHER], and out of that 10 minutes he will agree to yield to those on his side of the House in favor of the bill. Of my remaining 10 minutes, I yield 4 minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, this is a bill to authorize the sale of a large amount of property now owned by the Government for military purposes. Much property owned by the Government for military purposes is not necessary any longer for that use. There are about 320 Army posts, as I recall, and 60 are as many as there should be. Many of those Army posts were created during the war. Much property has been acquired as a result of the war. It ought to be disposed of. All the property that is proposed to be disposed of by this bill was not acquired during the war, however, but it is no longer needed in the economic management of the military affairs of the country. The bill provides for the sale of this property, and I understand that the estimated value is about $20,000,000, but it is proposed that the amount received from the sale of the properties is to be placed in a special fund and later to be used as Congress may from time to time direct for the construction of permanent military posts for the accommodation of troops that may be assigned to duty from time to time at different posts throughout the country. Before any part of the money that is placed in this special fund can be expended by the War Department, the Secretary of War, under the act, if it becomes an act, will be required to make an estimate of what he proposes to do to the Military Affairs Committee of the House and Senate. Those committees then recommend legislation that they think, after proper consideration, necessary to accomplish the purpose, and after that is done and authority is granted for the expenditure of a given sum, the Director of the Budget then will be required under this bill to estimate the amount that may be expended during any given year to the House through the Speaker, which will be referred to the Committee on Appropriations and reported back after further investigation to the House for its second consideration.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Just wait a moment. While I am opposed, generally speaking, to the creation of funds of this sort I think the menace, if such it be considered, of a special fund is more than offset by the disposal of property which is now carried by the Government at an enormous expense and which will be disposed of by the passage of this bill.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. These properties were paid for with the people's money, why should not the proceeds from their sale go back into the people's Treasury?

Mr. MADDEN. It will be in the people's Treasury, of course.

Mr. BLANTON. It goes into a special war fund.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. FISHER. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Speaker, to-day we are considering the Army housing bill (S. 1129) under suspension of rules, which provides for 40 minutes' debate with the privilege of amendment denied. This bill is an authorization of the sale of certain military reservations and provides the authorization to use the proceeds derived from the sale of this real property in such permanent construction at military posts as may be hereafter directed by Congress to be done.

There is one particular feature connected with this legislation which, certainly, is distasteful to me. I feel that it is incumbent upon me to register such thought, else it could well be said that I was in accord with such misuse of power by the executive branch of the Government. Some may complain that the bill is here under the rule which practically shuts off debate and conclusively prohibits a single amendment. I do not cherish such procedure, but the responsibility for it must be and is assumed by the gentlemen on the other side of the aisle, who are forwarding the administration program.

The real objection to this legislation is more fundamental than that it should receive such limited consideration under the rule. To me, it is the passage of legislation by the duly constituted authority under compulsion from the executive branch of this Government. I am fully convinced that this bill should become a law, and despite my feeling that the legislative branch of our Government is bending the knee to the Executive, I hope that the bill may become law.

We are told in the testimony of General Conner, Assistant Chief of Staff, in his testimony before the joint committee of the Sixty-eighth Congress, in February, 1925, that—

> The Director of the Budget has ruled that he will not consider items of new construction until the Congress acts on this proposed legislation. Under this ruling there were eliminated from the 1926 Budget items covering the continuation of construction work on projects already authorized—the Infantry barracks at Fort Benning, Ga.; the Atlantic storage plant, Panama; the hospital at Schofield Barracks, Hawaii. The result is that until action is taken on the pending bill no construction item can be brought before the Congress. The enactment of the pending bill will enable the War Department to submit yearly through the Budget a certain number of specific projects and will provide for the first few years funds from which the Congress may finance such specific items as it may approve. In short, the present legislation is necessary to enable the War Department to present to the Congress a request for money.

And we were told by Hon. Dwight F. Davis, Secretary of War, in the hearings before our committee in January of this year, that——

> You are probably aware of the Budget ruling that no items of new construction for the War Department will be considered by that bureau pending action on this legislation.

From this and other specific statements before these committees it is patent that the Congress of the United States is forced to sell this real estate which, for the time being probably, is not serving the full purpose for which it was procured, else no appropriation for permanent housing for our troops—construction of much-needed hospitals to shelter boys in uniform from the elements. I submit that it is a further encroachment upon the proper function of the legislative branch of our Government, and except for the dire need exhibited to protect the men who wear the uniform of our Army, constituting the nucleus around which we may be compelled to organize vast forces in the future, I would not support it.

But anyone reading the hearings before the joint committee of the Sixty-eighth Congress can well understand the emergency that prevailed. Just recently we had a very clear-cut issue presented us as to the conditions which obtained in the hospital facilities at Schofield Barracks, Hawaii. This House proclaimed its interest in the soldiery of this country, even though it is a peace-time soldiery, in inserting in that deficiency appropriation bill the sum required to provide proper hospital housing for the sick men who may be ordered there for hospitalization.

General Hart, in the hearings before the joint committees of the Sixty-eighth Congress, in February, 1925, as I have stated, made this very pertinent observation:

> Practically all available permanent barrack space is now being occupied by troops. Many of these temporary structures now being used as barracks are in extremely poor condition. The lumber has shrunk, the foundations are rotting, and in many instances roofs are leaking to the extent that bunks have to be moved or covered during rainstorms. This has a very decided and undesirable effect upon the morale of the troops.
>
> A most unfortunate feature is the fact that the large amount of money allotted under annual appropriations for maintenance and repair that goes into the upkeep of these buildings is a pure waste, and although it is a pure waste there is nothing else to do; the men must be housed. In some instances it has been necessary to expend in one year practically one-third of the original cost on a barrack building in order to provide shelter from the elements, and money spent on such buildings merely tides over temporarily the present needs and has no effect on permanent relief; the waste is continuous.
>
> To cite a few instances indicating the wastage of repair funds: During the last fiscal year this office has received requests from—
>
> Camp Lewis for an allotment of $230,000 for purely repair work, of which $60,000 is necessary for roofing, $90,000 for floorings and replacing rotten underpinnings, and $68,000 for other miscellaneous carpentry work.
>
> Fort Bliss for $194,000 for repairs, of which $80,000 is for flooring and roofs.
>
> Fort Benning for $71,000 for ordinary temporary repairs. This is in addition to the money that is being spent for tentage at this post.
>
> Fort Bragg for $120,000 for repairs to the roofs and underpinning.
>
> A considerable part of these requests must be met immediately. The roofs and underpinnings must be attended to if the buildings are going to be occupied, and after a lapse of two or three years there will be no evidence of the expenditure of this large amount, and the work will have to be done over.
>
> On the other hand, if this amount were available for expenditure on permanent structures, a far greater number of buildings could be taken

care of; moreover, the repairs would be permanent instead of being quickly lost through the deterioration of the temporary building.

It is conservatively estimated that when soldiers are housed in tents the cost of tentage per man per year is $20. For the approximately 3,000 men at Fort Benning this would amount to $60,000 per year. This is in addition to the money necessary for repairs to the temporary buildings.

The only solution of the problem is to replace the temporary buildings as rapidly as financial conditions will permit, thereby alleviating this most unsatisfactory condition and, in addition, conserving the annual repair funds allotted for yearly maintenance and upkeep.

Which statement very clearly signifies that, from a viewpoint of economy, the repairing of these temporary barracks is a losing game.

In the hearings before our Committee on Military Affairs this year Secretary of War Davis, upon this subject, has the following to say:

In the annual report of my predecessor for 1924 great stress was laid upon the condition of the war-time cantonments in which so many of our Army troops are living, and it was pointed out that to attempt to keep them in repair was a very uneconomical proposition.

The present available temporary shelter is now, of course, in worse condition than it was last year, and it has been necessary to salvage many of these buildings either because of their unsafe condition or because of the necessity for securing material to repair other temporary structures. As an instance of the rapidity with which the temporary structures are becoming unfit for shelter, I invite your attention to the fact that on June 30, 1924, we had temporary barracks for 214,909 men. On June 30, 1925, we had temporary barracks for only 166,399 men in the United States, Panama, and Hawaii. In other words, nearly 23 per cent of this class of buildings have become unserviceable in the last year. When I say unserviceable I mean that the buildings have either burned, collapsed, or have been blown down by storms. This can be readily understood when it is borne in mind that our cantonment buildings and their accompanying utilities, which were built during 1917 and 1918, under the stress of war conditions, were designed for temporary occupancy only. It is, of course, evident that these temporary structures can not be utilized much longer for shelter.

The actual value of the temporary buildings destroyed by fire during the fiscal year 1925 was not great; the value of the contents, however, was very considerable, amounting to more than $650,000.

While some fires occurred in permanent Army posts, by far the greater proportion of the fire losses were suffered as the result of the burning of temporary wooden buildings.

No graver problem faces the War Department to-day than that of providing adequate shelter. The officers commanding units in the field are in constant dread of the outbreak of a conflagration in groups of temporary wooden buildings which are being used for housing purposes; even greater than the apprehension of the outbreak of fire in quarters and barracks is their dread of a serious fire in the temporary wooden structures which have of necessity been converted into hospitals. The danger of fire in the hospitals now used by the Army is, unfortunately, at its greatest during the summer months when those inadequate and dangerous buildings are employed not only for the hospitalization of the personnel of the Regular Army, but also of the members of the various civilian components and students of the citizens' training activities who are in attendance at the annual training camps. That a harrowing loss of human life might ensue as the result of the burning of one of these temporary buildings of tinder-box construction is evident. The longer the War Department is compelled to use war-time structures for housing and hospitalization purposes the graver this danger becomes.

It will be observed from his splendid presentation of the direct issue involved that between June 30, 1924, and June 30, 1925, 23 per cent of the temporary barracks in the United States, Panama, and Hawaii had either burned, collapsed, or were blown down by storms, and that the value of the contents destroyed by the fires of these temporary barracks amounted to more than $650,000.

In the hearings there are extensive tables showing the estimated sales value of the property which is ordered to be sold. It is charged that the properties authorized to be sold will not bring their fair worth, but the machinery under which the sale is made provides that the property be appraised by the War Department, and later, in section 8 of the bill, it is stated that the property must bring its appraised value. Now, the department, in 1925, submitted in the hearings the estimated value of certain property, and in the hearings before our committee in January I requested Mr. Davis, Secretary of War, to insert a table showing the estimated sales value in 1925 and this same value in 1926. It is interesting to note that 15 pieces of property, located mostly in Florida, show a material increase in their estimated value, and I insert these specific instances, as follows:

Name of reservation	Estimated sales value	
	1925	1926
Anastasia, Fla	$700	$500,000
Battery Bienvenue, La	10,000	46,700
Boca Grande Military Reservation, Fla. (portion)	11,760	151,704
Fort Clinch, Fla. (remainder)	2,500	50,000
Fort Dade, Fla	75,000	100,000
Fort De Soto, Fla	30,000	79,077
Fort Jackson, La	10,000	27,850
Moreno Point, Fla	60,000	297,900
Perdido Bay Military Reservation, Fla. (east side of entrance to)	1,100	5,800
Perdido Bay Military Reservation, Ala. (land west and north of Bay La Launch)	11,000	54,850
Perdido Bay Military Reservation, Ala. (lands on west side of entrance to)	3,000	14,900
Fort Pike, La	6,500	32,000
St. Andrews Sound Military Reservation, Fla	16,000	80,150
St. Joseph's Bay Military Reservation, Fla	40,000	200,000
Total	257,560	1,640,931

It strikes me as being a very good business proposition for the Government to make the sale of these properties, which they assert are useless to it, at a time when the increased values are shown to exist. Here we see an increase of more than $1,375,000 in estimated sales value as compared with the estimated value of 1925.

Then the question must be estimated as to how the estimated sales compare with the cost value of the property, and to that question I will submit the statement of Mr. Secretary Davis in the hearings before our committee as follows:

The cost of all parcels whose sales value is estimated at $21,459,611.02 was $12,088,236.09.

Gentlemen, I submit that it is almost as necessary to be patriotic in time of peace as it is in time of war, and any Member of this House who will read the testimony in respect of the housing condition for our Army can not keep from blushing with shame at the pathetic and pitiable condition in which the soldiery of this country finds itself housed. In the name of economy, in the name of humanity, and in the name of patriotism, I will support this measure. [Applause.]

Mr. McSWAIN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LaGUARDIA].

Mr. LaGUARDIA. Mr. Speaker, the conditions just stated by the gentleman from Kentucky [Mr. VINSON] will not be remedied by this bill. This bill does not appropriate or authorize one cent for repairs.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. LaGUARDIA. In just a moment.

What this bill does is simply to authorize the sale of certain designated surplus land and real property. The gentleman from Illinois, the distinguished chairman of the Committee on Appropriations, is in error when he says that this money goes into a general fund. It does not go into a general fund. It goes into a special fund to be known as—

the military post construction fund, to be and remain available until expended for permanent construction at military posts.

It changes the whole policy of our fiscal system.

If you pass this bill, gentlemen, you are establishing a new policy whereby every department will come in and ask to sell surplus property and put the proceeds into a special fund. This bill will haunt Congress for many years to come.

In the second place, it does not provide clearly or intelligently the manner in which this property should be sold. It leaves it entirely in the discretion of the Secretary of War and allows him to go out and appoint appraisers, and in no way obligates the appraiser to act only for the interest of the Government. There is no provision making it mandatory to sell the property at public sale. This bill will surely provide a boom for the real-estate speculators—no prudent business man would permit his property to be sold under the loose provisions of this bill.

In the third place, you provide here that a municipality or State may purchase for the appraised price the same as a private person or private corporation, and yet if a private person purchases, he purchases the property outright, but if a city or State purchases the property, it must be purchased with a reverting clause, although it pays appraised value, providing that the property is to revert back to the Government in case it ceases to be used for public purposes. There is no

reason for such limitation, except to discourage a State or municipality from buying.

Further, you provide that anyone who has held this property adversely for 20 years must pay 10 per cent of the appraised value, contrary to any law of any State with respect to real property. Where land is held adversely for 20 years, title vests in the holder, and there is no reason for requiring any payment.

Why, gentlemen, if the appraised value given in your report is any indication of what you are going to sell this property for, then let me tell you gentlemen the War Department does not know what it is talking about. If the appraised value given on the property at Fort Schuyler, in my city, is any indication of their knowledge of the value of the land to be sold, then I tell you that the War Department should not be intrusted with the sale of this land. You have 52 acres in the city of New York, right in the growing section of the Bronx, with a right of way across the Sound to Whitestone, and you are placing that at $150,000. Why, it is ridiculous. Who appraised it? Is that the value to be fixed on the property? Who is going to buy it? Why, this bill will surely create "bargain day" for some people. If that particular piece of property is worth a cent, it is worth over half a million dollars.

Gentlemen, if you are going to sell $20,000,000 worth of property and give the power to the Secretary of War not only to sell this property but to sell any other property which he may designate as being useless—and that is all he has to do under this bill—you are losing millions and millions of dollars of the people's money.

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. I know there is need of repairs and of new buildings in the various military reservations, but this is not the way to provide for that condition.

If the conditions are so bad, if soldiers are kept in dilapidated, unsanitary quarters, why has there been no appropriation for necessary repairs before this? Why it would take months; yes, years, before this money is available. Do not tell me you have the cash customers waiting. If the appraisal I have just cited is an indication of what you expect to get for your land, I venture to say that there are cash customers waiting. But you must give notice to the State first, and that requires time under the bill. So how can you say that this bill would provide for urgent necessary repairs? That is not the fact. If it is true that conditions are as bad in military reservations as was indicated on this floor to-day, it is a severe indictment against Congress. If the living conditions are so bad that soldiers and officers are not properly housed, that is the fault of Congress. I am willing to vote immediately to appropriate funds for necessary repairs. But that does not justify the passage of this bill. This bill is poorly, sloppily, inartistically drawn. I venture to say that not a line of it was written by any lawyer familiar with real-property law or real-estate practice. What is there to prevent an appraiser fixing a low valuation and tipping off a friendly customer? Why not write right into the bill the amendment suggested by the gentleman from South Carolina [Mr. MCSWAIN], making it a crime for an appraiser to make a false valuation or to connive for the sale of property which he himself has appraised? And I repeat, why do we have to create a special fund? I predict that before this session is over the Navy Department and other departments will come in asking for the same privilege, and instead of simplifying Government bookkeeping we are going to complicate and confuse it. Why, this system of special funds kept aside for specific purposes is contrary to the very principle and fundamental of a Budget system. I notice that the committee tried to slip the Budget director right out of the bill, and now it is repentant and seeks to at least make the requests go through the Budget office. What General Staff officer suggested the amendment which put in a line and struck out, on page 8, line 12, the words, "in the Budget," and inserted "by the Secretary of War"? That suggestion never came from a member of the committee. I can see the slick work of the General Staff in trying to slip that one across. It is at least comforting to see that the conscience of the gentleman from Maryland [Mr. HILL] would not permit him to go through with it. I wager, perhaps, the gentleman from Illinois [Mr. MADDEN] had something to do with the change back to the original wording. Why should not such an important bill be discussed under the rules of the House and open to amendment? There is no objection to selling surplus Government property. There is objection to this bill which permits the selling of millions of dollars of property without proper safeguards and without sufficient protection for the public's interest. The proceeds of this sale should go into the Treasury where it belongs, and Congress should appropriate necessary funds to make necessary repairs at military reservations.

Do not permit this valuable property to be sold in such an unbusinesslike manner. There are pieces worth millions. One piece is valued at a half a million dollars. Why do not you sell the property intelligently; put the money into the general fund where it belongs. There is no such thing as a property of the War Department; there is no such thing as a property of the Army; this is the property of the United States and should be dealt with accordingly. [Applause.]

Mr. HILL of Maryland. Will the gentleman yield?

Mr. LAGUARDIA. I can not; I have only five minutes.

Mr. HILL of Maryland. I do not think the gentleman should misquote the bill. It is going to be sold at public sale.

Mr. LAGUARDIA. Oh, there is nothing in the bill which makes public sale mandatory. The Secretary of War may cut up the land to suit himself; he may cut off the front and sell that, and then, of course, the back land is of no value. He can dispose of it as he pleases. You do not have to be an expert in real estate to know that. Why does not the committee bring in a proper bill to repair the barracks and the officers quarters; what is the use of going around this way? This is General Staff bill No. 1.

Mr. BLANTON. It is General Staff bill 171.

Mr. LAGUARDIA. It is the only important bill that has come out of the committee. It surely is a General Staff bill.

Mr. VINSON of Kentucky. Will the gentleman yield? Section 5 provides that the property must be appraised by one or more appraisers. Then in section 8 the property must bring the appraised value.

Mr. LAGUARDIA. Yes; but who is going to do the appraising? Where is the provision for proper advertising and public sale?

Mr. VINSON of Kentucky. In section 8 of the bill.

Mr. LAGUARDIA. That only provides for the payment if there is advertising and if there is a public sale.

The SPEAKER. The time of the gentleman has expired.

Mr. MCSWAIN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, every dollar of the money that was spent for the purchase of all this property was the people's money, and came out of the Treasury of the United States. And every dollar of the proceeds derived from its sale should be put back into the people's Treasury of the United States. It ought not to go into any special War Department fund. Just as are done with other Government revenues, it should go into the general fund of the Treasury, which is the people's fund.

You notice a little provision which provides that the War Department will have no authority to pay an auctioneer more than $100 a day. Do you know why that was put in the bill? It was because Congress found that it could not trust the War Department. You remember the fact that our friend from Kentucky [Mr. JOHNSON] put in the RECORD some time ago showing a list of the unconscionable fees paid auctioneers by the War Department, where Government property was sold by the War Department, and our colleague showed that the War Department paid one man $48,000 for one day's work and paid another man $52,000 for one day's work. We have learned that we can not trust the War Department altogether. Yet, we are about to put at least $20,000,000 and possibly $50,000,000 proceeds from the sale of this property into a special War Department fund in the Treasury so that it can not be used for anything else. When it is placed in a special fund it can not be used for anything else. Some say, "They will have to come to Congress." Do not you know that it is their purpose now to tie up and fix this money so that they may say, "We are only asking that we may spend our own funds to our credit." That is their purpose. They do not want to trust Congress.

The Secretary of the Treasury is borrowing money every once in a while for our Government, and is paying interest on same to banks, and issuing certificates that draw interest. Would not it be ridiculous for the people of the United States to have to borrow from $20,000,000 to $50,000,000 and pay interest on it to outsiders when it had from twenty to fifty million dollars in the Treasury credited to this special War Deparment fund, but thus tied up so the people could not use it?

Do you not know that if this $20,000,000 went into the general fund of the Treasury it would permit the Secretary of the Treasury to borrow $20,000,000 less than he would have to do were it tied up in a special fund, and there would be $20,000,000 less to pay interest on? And it is the people of the

United States who lose, because they are the ones who will have to pay the interest.

Why not let the War Department come to Congress when they want money to construct new officers' residences and new barracks? Why not let them put their cards on the table? Why not pass on each case as it arises? These officers always want money. Why put up a special fund in the Treasury for them? Why do they thus beat the devil around the stump? Why do not they let us authorize the sale of this property and then present to us for due consideration their building plans?

The War Department will tie up $20,000,000 of the people's money so it can not be used by the Government for any other agency but the War Department. No one in this House would object to that part of this bill which authorizes the sale of surplus property. All of us are in favor of that. But we object to creating this special War Department fund. And we object to having that provision attached to this bill and the bill called up under suspension, when it can not be changed in any particular, but must be passed just as it is written, with no chance whatever to strike out of it this vicious provision.

Our friend from Kansas [Mr. ANTHONY], than whom there is no better posted man on military affairs, a few days ago told the truth when he said that the War Department might tell Congress where to head in, as it was about a 50-50 proposition as to whether the Congress was running the War Department, or whether the War Department was running the Congress. As a matter of fact, it is the War Department that is running Congress. It is true that the War Department, with a little help from the Navy Department, is running the Government of the United States.

It is not satisfied with the millions of dollars that it annually expends on its legitimate business, nor is it satisfied with the millions of dollars it expends on rivers and harbors in its engineering department, it is not satisfied with millions of dollars but it is continually dishing in here and there, until it now has quite a number of its officers helping to run the District of Columbia, and on special commissions, and on special boards, and on budgets, and on this and that, all wanting huge sums of money to spend.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. BLANTON. Oh, I know the gentleman is a spokesman for the War Department, and he can get his own time, as mine is about exhausted, and I can not yield.

I want it to be the War Department of the United States Government, and not to be the War Department's United States Government. I want the Government of the United States to run its War Department, and not its War Department to run the Government of the United States.

If we could only have a record vote on the passage of this bill, there would be a chance to defeat its passage. But this is the kind of a bill that is always pushed through under a suspension of rules, where you can not change "the dotting of an 'i' or the crossing of a 't,'" and there is never a roll call. But the people will some day find out who it is that is responsible for the passage of such measures. And in my judgment they are going to hold this administration responsible, for without the approval of this administration, this bill could not pass this House.

I wish that Jim Mann, of Illinois, was back in the House; I wish you would read a speech he made a number of years ago on this very subject. He said that we must let the War Department and the Navy Department come to Congress for their needs.

Mr. JOHNSON of Washington. In this bill they do have to come to Congress.

Mr. BLANTON. If Congress wants to use $1,000,000 in this fund for any special purpose it could not do it. It could not use a cent for any purpose except for War Department purposes. This money belongs to the people and should not be tied up in this way. It is an injustice to the people.

Mr. FISHER. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I can not conceive of any bill with more common sense in it than there is in this bill. [Applause.] It disposes of certain property which the Government does not need and puts the money where it can be used for military-post funds, which it does need. Anybody that has visited the military posts and the hospital knows that the Government needs this money. The money is perfectly safe.

It goes into the United States Treasury, our Treasury, I will say to the gentleman from Texas [Mr. BLANTON], and it can not be appropriated except through an act of Congress. It is subject to appropriation just the same as any other fund that belongs to the Government. I think this is a common sense bill and I sincerely hope that the House will pass it. [Applause.]

Mr. McSWAIN. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. SPEAKS].

Mr. SPEAKS. In its ultimate purpose and effect, this bill is unfair to the Army, unjust to the people of the country, and will eventually be a source of embarrassment to Congress. In the two minutes allotted me it will, of course, be impossible to state in detail my reasons for taking this view of the subject. However, I do call attention to the provision which makes it particularly objectionable, that is, diverting moneys belonging to the general revenues of the Treasury and, almost without precedent, employ them in establishing a special fund to be ingeniously used in unwarranted expenditures for military purposes. No one objects to the sale of these lands. In fact, scores of similar tracts should be sold or transferred from the War Department to other governmental agencies. This subject was discussed when the Army appropriation bill was being prepared last year. The gentleman from Kansas, chairman of the subcommittee, stated that the Secretary of War was invited to make suggestions relative to new construction, but—

to our great surprise when that report came to Congress the War Department submitted a list of about $20,000,000 worth of surplus property that might be sold, and a list of new construction totaling over $115,000,000. The amount requested for new construction was so stupendous that it stupefied Congress.

This bill will initiate a great military building program wholly unwarranted by existing conditions and, without justification, add to the burdens of this nature against which our people are protesting. Instead of reducing overhead charges by concentrating the troops in larger units at advantageous points, the program to be carried out under this bill will encourage construction at posts and places suiting the convenience of those directing affairs rather than the interests of the country at large.

When the Army appropriation bill was under consideration two weeks ago the question of these "sick men in shacks" was under consideration. The gentleman from Arkansas [Mr. WINGO] cited his experience and observations in a recent visit to Hawaii. He said:

That is something that I can not understand. They ought to be criticized for that. They have magnificent barracks, they have as handsome a clubhouse for officers as you will find in any resort in Florida or anywhere else. They have a wonderful place, and it made my blood boil to see the shacks in which they placed those sick boys.

They had not asked for funds with which to build hospitals, but they did ask for and secure funds for magnificent quarters and barracks. The efficient chairman of the subcommittee on military appropriations [Mr. ANTHONY] states that no request for funds to be used in constructing Army hospitals has ever been refused.

Mr. FISHER. Mr. Speaker, I yield two minutes to the gentleman from Maryland [Mr. TYDINGS].

Mr. TYDINGS. Mr. Speaker, I think what the gentleman from Ohio [Mr. SPEAKS] has called to your attention are not altogether the accurate facts as they exist. I have visited a number of military posts in my own State and elsewhere. Some of them came into being during the World War, and I think perhaps your experience has been similar to mine. We all know that those buildings were temporary buildings in a great many instances, and since the war is over they have been used as divisional posts and used as training centers for the Regular Army. The enlisted men in many of these posts are living in temporary shacks. The roofs are not suitable. There is nothing to invite a man to stay in the Army. In my own State we have a number of old forts, some of them having been owned by the Government for a hundred years that are absolutely useless for military purposes. They are grown up with weeds; they do not bring a dollar into the Treasury of the United States. On the contrary, they have to have caretakers as sort of night watchmen to look after them. What can be fairer or more economical than to sell these posts that are of no value at all to the Military Establishment and let the Government, through the War Department, rehabilitate these posts, which are to be permanent military establishments, where rehabilitation is needed. I can not see any objection to that. I do not believe the Secretary of War is going to spend the entire $20,000,000 building officers' quarters. I believe both the enlisted men and the officers will benefit by the passage of this bill and the morale and efficiency of the Army improved, sell what is useless, and apply the proceeds to the needed repairs to our permanent posts rather than keep what is useless and allow what is needed to deteriorate through lack of funds. [Applause.]

Mr. HILL of Maryland. Mr. Speaker, I yield half a minute to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, this is a proper bill. It will start a program of housing for the soldiers. It will enable Budget recommendations to be made. In the State of Washington we have property that the War Department has desired to sell through act of this Congress for 20 years, but we have not been able to get action. Also in that State we have one great cantonment, Camp Lewis, with literally millions of dollars of Government property going to waste, with no protection against weather, to say nothing of soldiers improperly housed. I think the bill should pass. Then, pending sales, the War Department should begin building, using the fund on the plan that the reclamation fund is successfully used. [Applause.]

Mr. FISHER. Mr. Speaker, I yield one minute to the gentleman from Florida [Mr. GREEN].

Mr. GREEN of Florida. Mr. Speaker, this bill does not meet my views in every particular, but the Committee on Military Affairs was kind enough to accept the amendments as offered by me for the protection of the interest of the State of Florida, consequently I think it probably is in as good shape as I may hope to get it.

The price of land in the State of Florida is very high and will go still higher, but if these military reservations are now sold several million dollars will be received from the sale of the reservations in Florida alone.

The money derived from the sale of these reservations should go into the General Treasury of the Government, as the purchase price of same came from the Treasury. I have no fear of the Congress failing to provide safe and suitable quarters for our Army officers and soldiers. I am always ready to vote to provide money for their necessities.

Mr. FISHER. Mr. Speaker, several years ago there was considerable criticism of the War Department because of the fact so much real estate was held by them for which they had no use. A part of this surplus property was authorized to be sold by Congress and many sales were made. The terms of the bill under which these sales were made are very nearly the same as in the bill we are now considering.

There can be no sound reason shown why this unused real estate should remain idle. It should be sold to the States, counties, and municipalities if they want it for a public use, and under the terms of the bill it can be bought by them if they exercise the option given them of six months' notice after the passage of this bill and the appraisement provided they will pay the appraised value.

If sold to private interests, as most of it will be, these large tracts of land will be placed on the tax books of the several States, counties, and municipalities where the tracts are located. The property would become a valuable asset, and outside of the taxes to be assessed on the property there would be revenues brought about by its development.

As applied to one of the States in which some of the surplus property is located, there is a provision in the laws of the United States, passed by the Congress when this State was admitted to the Union, which provides that 5 per cent of the sale price of public land after deducting for improvements will go to the State's school fund. The money received in other cases where no such deduction is made from the sales of the various properties after all the expenses are paid will be deposited as a military post construction fund not appropriated until a law has been passed authorizing its expenditure for the various projects and proper appropriations made thereafter by the Congress. It is well known that many of our military posts are in a very bad condition. In many cases enlisted men of the Army and Army officers with their families are housed in the poorest sort of quarters. Frequently there are leaking roofs and rotting walls. It will be a grand opportunity to do the right thing for properly housing our Army by building proper quarters. I urge your support of the bill and I hope that we can speed the day when we can pass a bill authorizing the Army post projects to be built out of a large fund which has been accumulated from the sales provided for in this bill. [Applause.]

Mr. HILL of Maryland. The gentleman from South Carolina [Mr. MCSWAIN] has seven minutes more, and I understand he has only one more speech. I yield two minutes to the gentleman from New York [Mr. SNELL].

Mr. SNELL. Mr. Speaker, it seems to me this bill simply presents a sane, sensible, practical business proposition. What is the first thing any private corporation would do if it had property it did not have any use for and needed the money for other purposes in connection with its business? The very first thing it would do would be to sell under the best conditions possible. What is the condition that confronts us to-day in regard to this surplus property of the Army? We do not need it any more for military purposes, but we do need the money we could get for the sale of this property to build better places for the soldiers to live in. That is the exact proposition that is before us at the present time, and there is only one sensible thing to do, and that is to sell the property and stop the expense of caring for it. When we had the Military Affairs Appropriation bill before us the other day several Members on the floor of the House showed deep interest in the condition of the various permanent buildings in which we house our soldiers at the present time, and special attention was called to the various hospitals where we have kept soldiers, and the deplorable conditions surrounding them, and also to the number of soldiers living in temporary quarters. If we sell this property we will not only be disposing of something we do not want, but we will be getting money to buy what we do want. Now, I do not claim, and no one claims, that this will furnish all the money that is necessary to properly house the men, but there is certainly no reason in God's world why we should not sell what we do not need and use the money for other things which we do need, and go as far as possible in obtaining the things that are necessary and desirable for better caring for the Nation's soldiers. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HILL of Maryland. May I ask the Speaker how much time I have remaining?

The SPEAKER. Three and a half minutes.

Mr. HILL of Maryland. I have only one more speech.

Mr. McSWAIN. Mr. Speaker and gentlemen of the House, I believe that this bill illustrates, as well as any bill can, the danger of undertaking to legislate by a suspension of the rules that it has taken 600 years' struggle of the Anglo-Saxon people to build up. When a bill comes in like the bill the other day on the public-buildings program which involved only one proposition, to wit, to spend $165,000,000, it is relatively easy to decide. But here is a bill which involves a vast range of propositions and, as I have said in the committee, and I repeat here after mature reflection, that I believe there are enough legal propositions involved in this bill to keep the Supreme Court busy for five years with nothing else to do except to undertake to adjudicate the issues that can be made, and may be made, and probably will be made, growing out of the facts attending the various conflicts arising in regard to this property. This property is situated in 14 different States, involving 42 different tracts. Some gentlemen who may be already committed to this bill will find it loaded with trouble, because I understand that a motion to suspend the rules will not be entertained until the names of sufficient Members have already been laid on the Speaker's desk to justify the conclusion that it is inevitable that the motion will prevail, and the rules of legislation will be swept aside by a two-thirds vote and the rules will be suspended and the bill will be passed.

Mr. SPEAKS. Will the gentleman yield?

Mr. McSWAIN. Just for a question.

Mr. SPEAKS. The gentleman from New York mentioned the fact that an appropriation was necessary for hospitals. We immediately appropriated $450,000 when the matter was mentioned to the House. The chairman of the subcommittee on appropriations informs me that no requests for funds to erect Army hospitals have ever been refused.

Mr. McSWAIN. I will answer the gentleman, I have not time to wait for the other gentleman. I have not heard of any refusal. I have been watching the appropriations with regard to the provisions for hospitals for the enlisted personnel of the Army, and I do not believe there is a Member on the floor who has ever heard of any appropriation to take care of the sick soldiers in the Regular Army, having been denied. Here is the point, gentlemen, I assume that every piece of legislation ought to come in with great deliberation and care. Let me tell you something. This bill came from the Senate January 6. It was referred to the House Committee on Military Affairs and the report came out on January 7. The State of Florida has 26,000 acres of land involved in this bill. The State of Florida under the land act passed in 1850 owns one-half of the whole 26,000 acres. This is under what is known as the swamp land act, and under this bill, as it came from the Senate, there was no provision to care for it, and we came back in here and asked that the bill be recommitted to the Committee on Military Affairs.

Though under the original commitment there had been 11 amendments to the bill, including the amendment of the gentleman from Alabama [Mr. HILL] limiting the auctioneers' fees to $100 a day, yet when it came back under a recommitment

there were 17 amendments that were placed in the bill. But one of these has been abandoned by those in charge of the bill.

Furthermore, since this report was filed, I am of the solemn conviction that the interests of the Government and of the Treasury are not safeguarded with regard to appraisal and sale.

Gentlemen, the officers of the Regular Army are not business men. Through a little interrogation and an amendment of a bill, I saved to the Government of this country with regard to the purchase of some land at Fort Bliss, which was recommended by the Chief of Staff and the commanding general in charge of that area, $281,140. They are not business men. They have already made a partial appraisal and have estimated the value of these lands, and with regard to Madison Barracks in New York City, which was bought 113 years ago at a cost of $1,600, they estimate it will sell for $500. One hundred and thirteen years ago a little lot down there on the water front by Madison Barracks was purchased by this Government for $1,600 and these Army officers say it will only bring $500 to-day.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. McSWAIN. Just for a question, and make it short, please.

Mr. LAGUARDIA. The piece of land over here in Virginia was bought in 1923, and now they are selling it?

Mr. McSWAIN. Yes; down here at Newport News, Va., real estate was bought at a cost of one-third of a million dollars and we spent two and a quarter million dollars upon it in warehouses, and now they tell us it will sell for only $580,000. Thus, we lose about $2,000,000. Right here in the city of Washington I happened to see this morning a lot that was bought 52 years ago for $3,500, and these officers of the Army come in and estimate that this property, right here at 1913 E Street NW., will only bring $4,500 after the lapse of 52 years.

There are 26,000 acres of this land in Florida. Who is to appraise it? Who is going to buy it? Will appraisers and bidders conspire? Here is what I submit to you, gentlemen. This bill ought to come up for amendment in Committee of the Whole House. Of course, it will not, but I want the country to know that the Members have already voted on this bill. Where did they vote? They voted in their offices when somebody went around polling them to see if two-thirds would vote to suspend the rules and pass the bill. We legislate not in the Halls here. We legislate not where our constituents think we legislate. We legislated back yonder in our offices, when we had never read the bill.

Mr. BEGG. Will the gentleman yield for one question?

Mr. McSWAIN. Surely.

Mr. BEGG. Where does the gentleman get such information as he is giving to the House? I never heard of anything of that kind.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. McSWAIN. I got it from a very authoritative source, and, if the gentleman insists, I will tell it. Nobody denies it.

Mr. BEGG. I would like to know.

Mr. McSWAIN. Does the gentleman deny it?

Mr. BLANTON. And if we could vote this bill down now, it would come up in the orderly way.

Mr. McSWAIN. If the Speaker orders it, I will withdraw my words. But my informant is a Member of this House, whose word no man will question.

The SPEAKER. The time of the gentleman from South Carolina expired some time ago. [Laughter.]

Mr. McSWAIN. I beg your pardon, Mr. Speaker. I am a little deaf when I am talking loud. [Laughter.]

Now, Mr. Speaker and gentlemen of the House, just to illustrate the danger and unwisdom of legislating in this manner let me call your attention to the fact that after this bill was recommitted to the Committee on Military Affairs, one amendment of the 17 amendments placed thereon was at the suggestion of the gentleman from Florida [Mr. SEARS], who advised the committee that an American Legion post had built a house on one of these parcels of land in Florida under a lease in the nature of a revocable license; and to the committee, in order to take care of him, added a proviso, in line 6, on page 2, to the effect that no parcel of land should be sold—

now actually occupied under lease by a post of the American Legion.

But for the fact that Mr. SEARS called this to the attention of the committee, after recommitment, our committee would never have known anything about this fact, and the building of the American Legion would have been sold and the proceeds of the sale put into the Treasury of the United States unless there had been much litigation to prevent same. Now, as a matter of fact, I find that the information furnished by the War Department discloses the fact that a Young Men's Christian Association is using one parcel of land; that numerous parcels are used for lighthouses, life-saving stations, one for a hospital, one for a college, and one parcel near Tampa is occupied by the Pilots' Association, which was permitted to build nine houses. Why should not all these cases have been taken care of by exceptions and provisos? I am afraid that when some Members get home and some of their constituents interested in these various institutions ask them why the Young Men's Christian Association and the hospital and the college and the Pilots' Association were not given the same treatment that the American Legion was given, some Members may be in a very embarrassing situation. This well illustrates the dangers of legislating, not by deliberation but by solicitation and by polling the Members in their offices before they have ever read the bill or know anything about it and have only the ex-parte statement of the individual conducting the poll.

Mr. Speaker and gentlemen of the House, many of these parcels of land are subject to franchises and licenses which are very valuable to the Government, but which will doubtless be practically given away under the method of sale to be conducted by the Government. For instance, one of the parcels is subject to 15 licenses to such concerns as railroads, telephone companies, lumber companies, merchants, power companies, and so forth. I apprehend that appraisers who may be in collusion with prospective bidders will argue that the land is encumbered by the licenses and that therefore the value should be appraised lower on that account. Yet, I predict that some of the purchasers who will buy enormous bargains when this land is sold will collect enough money from these very licensees to pay the whole purchase price of the lot of land itself. For illustration, the purchaser will go to these railroads, water companies, lumber companies, telephone companies, and say to them, in substance, as follows: "I have bought this land from the Government and you are occupying a portion under a revocable license, and you get off or pay me ten thousand, fifty thousand, or a hundred thousand dollars," as the case may be, and rather than relocate tracts and its lines and other businesses, the licensees will pay the price and thus the buyer, whose property is actually enhanced by these railroads, power lines, telephone companies, lumber companies, and so forth, will collect from them every dollar that he has paid the Government, and more, and have the whole amount of land, perhaps thousands of acres, absolutely free. The presence of these various franchises and licenses actually enhances the value of the property.

So, Mr. Speaker, my desire is to safeguard the Government, and to see that this property brings its reasonable value, and for that reason I proposed to offer the following amendments if the bill could have been considered, as it should have been, in the Committee of the Whole House on the state of the Union.

Amendment offered by Mr. McSWAIN: On page 11, after line 19, insert a new paragraph to read as follows:

"SEC. 13. That no person who shall have served in any capacity in connection with the appraisal of any one or more parcels of property herein authorized to be sold shall bid upon or purchase directly or indirectly, either for himself individually or as agent for any other person, firm, association, or corporation, any parcel of said property, and any person who shall violate any provision of this act, or who shall conspire with one or more persons to violate same, or shall conspire to depress or minimize the appraised value thereof, or to chill the bidding at the sale thereof, or to bring about any situation or state of facts intended and calculated to cause said property or any part thereof, to sell for less than the reasonable market value thereof, shall, upon indictment, trial, and conviction thereof, be sentenced to pay a fine not more than $100,000 or imprisonment not longer than 10 years, or both, at the discretion of the court."

Amendment offered by Mr. McSWAIN: Page 8, line 16, after the word "by," strike out the words "and appraiser or" and insert in lieu thereof the word "three."

Amendment offered by Mr. McSWAIN: Line 19, at the end strike out the period and insert a comma and add the following: "and said appraisal shall not be published, but shall be kept confidential between the appraisers and the War Department, and any violation of this obligation of secrecy on the part of any one of the appraisers, or of any officer or employee of the War Department, or of any other person coming into possession of information relating to said appraisal shall be a misdemeanor, and any person upon indictment, trial, and conviction therefor shall be fined not exceeding $10,000 or be imprisoned not exceeding one year, or both, at the discretion of the court."

The purpose of these amendments is to prevent collusion between the appraisers and prospective bidders so as to insure a fair appraisement and a fair sale. It was a serious mistake for the War Department ever to publish its own estimate

of these values, which aggregate only about $7,000,000, when, in my judgment, the property should sell somewhere between $30,000,000 and $50,000,000. If the War Department thinks that real estate brokers and agents were born yesterday and do not know their business, then the War Department will wake up after this vast asset of the Nation is gone to find out that the real estate speculators and manipulators have cleaned up on the Government out of this deal perhaps $20,000,000 or $25,000,000.

Many of us believe that very unfair advantage was taken of the Government in the sale of surplus war material after the war was over. Those experiences are remembered by us who are now trying to safeguard the Treasury, but they are also remembered by the shrewd and sagacious speculators and dealers who will be in the market to buy these vast tracts of land in Maryland, in Florida, in Alabama, and in Louisiana. This Government is entitled to the benefit of the unearned increment that these parcels of land have acquired through the labor and toil of the 115,000,000 people who earn the $65,000,000,000 of income per annum for the people of this Nation. It is easy to say, as the War Department does with regard to many of these parcels, "it costs nothing," but, as a matter of fact, there is not a parcel of land to be sold that has not cost blood, and tears, and toil of countless millions, dead and alive.

I know that most of this land ought to be sold, but I fear that it is not to be sold in any proper business sense, but is to be "given away" and sacrificed for perhaps less than 50 per cent of its true value. Therefore, I am opposed to surrendering those rules that have grown up through hundreds of years to guarantee prudent legislation and insist that it is the duty of the Members of this House to consider this bill line by line and word by word and to entertain motions to amend this bill.

It is an undue responsibility to impose upon the shoulders of the Military Affairs Committee. When we first had it we put on 11 amendments, and realizing that we had made a grievous mistake we asked that the bill be recommitted, and then we put on 17 more amendments, and I believe that if the bill had stayed in the committee another week the committee would have adopted perhaps 17 more amendments, and I believe would have adopted the 2 amendments which I at that time had not thought of, but subsequently prepared and had ready to be offered, if the request of the gentleman from Tennessee [Mr. GARRETT] had been acceded to by those in such a terrible rush to put through this bill.

But, Mr. Speaker and gentlemen, I know this protest is vain. The heads have already been counted. The die has already been cast. We have met, not to deliberate but to officially approve of that which two-thirds of the Members of this House have promised in advance that they will approve. I fear that some of them when they get home and begin to be importuned by the various persons holding licenses on these lands, by the Young Men's Christian Association, by the college, the hospital, by the Pilots' Association, by the lighthouse keepers, and the life-saving station, then they will find it very hard to explain why they agreed to legislate with their eyes shut and to vote for a bill that is loaded to the limit with legal complexities and legal confusion sufficient to keep the courts of the 14 States where the land is situated busy for the next five years. But the responsibility is off my shoulders. I have done the best I could as a member of this committee and as a Member of this House. I will follow the proceedings by which this land is brought to sale with deep interest. I will read with much concern the report that we will receive next year as to the proceeds of the sales, and I can only hope and pray that my predictions will not come true that this Government will lose perhaps $25,000,000 of value by reason of the unwise methods that make it possible for the real-estate manipulators and speculators to take advantage of my country.

Mr. HILL of Maryland. Mr. Speaker, I have only one speech remaining, and I yield the balance of my time to the gentleman from Connecticut [Mr. TILSON].

Mr. SPEAKS. Will the gentleman yield?

Mr. TILSON. I am sorry, but I can not yield for lack of time.

Mr. Speaker, the question confronting us is simply this: We must provide proper housing for our Army. [Applause.] We must do this in one way or another, and it should not be delayed. We must either appropriate the money out of the Treasury directly or we must dispose of some of the surplus property now owned by the Government and turn the proceeds into the buildings that are necessary.

This property has become surplus by reason of many changes in conditions; such as the advance in the art of war, the increase in the range of guns, and the growth of cities that have spread out far beyond where some of our forts were originally located quite properly. Along with the changes referred to has come a change of policy calling for the concentration of troops, instead of scattering them in detachments at small posts all over the country.

The property to be disposed of is not only surplus, but it is an expense, and a heavy expense, to keep it in condition. With such a situation what is the sensible thing to do? Instead of appropriating more money out of the Treasury to build permanent quarters for the Army, why not dispose of this property that is not now needed for military purposes, and put the funds thus acquired into a special fund for necessary construction work?

Why a special fund? So that the Army may know what can be depended upon in connection with its housing program and proceed accordingly. Having put this money into a special fund it will not be idle, as the gentleman from Texas says, no more than any other funds in the Treasury are idle. It is simply a matter of accounting, but it will be there to the credit of the War Department, to be used whenever Congress sees fit to authorize its use and to appropriate it.

Gentlemen have spoken about the Budget system as if the legislation here proposed would undermine it. I have in my hands a letter containing a statement directly from the Director of the Budget. I have not the time to read the entire letter, but shall read three paragraphs of it:

In compliance with verbal request of Mr. JAMES, a copy of S. 1129 as amended was furnished to the Director of the Bureau of the Budget, who in conference stated that the legislation is not in conflict with the President's financial program.

In reply to intimations that section 4 of this bill is an attempt to undermine the budgetary procedure of the Government, the director further stated that not only is the legislation not in conflict with such procedure, but is directly in accord with it.

He further stated that he was in sympathy with the proposed bill and heartily approved it. He further stated that the creation of this fund follows the same procedure as outlined with the reclamation fund and is the best method of handling such funds.

Why should we hesitate about such a sensible proposition as this? What is the objection? If this legislation meant turning a special fund over to the officials of the War Department and allowing them to go ahead erecting buildings whenever and wherever they pleased, it would be a very different matter, but we have a double check upon the fund. Before any construction can be authorized, it must come here through a great committee of this House, and before the appropriation can be made it must run the gantlet of another great committee of the House, and the appropriation must be made here.

As I see it, there is no sound or reasonable objection to the passage of this bill. [Applause.]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Maryland [Mr. HILL] to suspend the rules and pass the bill as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 177, noes 30.

Mr. McSWAIN. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make the point of order there is not a quorum present as shown by the vote.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-four Members are present; a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

Tre SPEAKER. The gentleman from Tennessee asks for the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-four Members have risen; not a sufficient number.

So the yeas and nays were refused.

So two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

RETURN OF CATTLE DUTY FREE

Mr. GREEN of Iowa, from the Committee on Ways and Means, by direction of that committee, presented a privileged report on House Joint Resolution 148, extending the time during which cattle, which have crossed the boundary line may be returned free, which was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. RATHBONE. Mr. Speaker, I am authorized by my colleague, Mr. GORMAN, to state that if he had been present he would have voted in favor of the railroad bill, H. R. 9463.

LEAVE OF ABSENCE

By unanimous consent, the following leaves of absence were granted:

To Mr. HAWLEY, from February 15 to February 27, on account of illness.

To Mr. TILLMAN, for 10 days, on account of serious illness in his family.

To Mr. GORMAN, for a few days, on account of death in his family.

To Mr. CHAPMAN, for an indefinite period, on account of the illness of his mother;

To Mr. ALDRICH (at the request of Mr. BURDICK), for an indefinite period, on account of illness;

To Mr. JONES (at the request of Mr. BLACK of Texas), for an indefinite period, on account of illness in family.

REFERENCE OF BILLS

The SPEAKER. The bills H. R. 3856 and H. R. 8709, one referred to the Committee on Public Lands and the other referred to the Committee on Irrigation by request of the chairman of those committees will be referred to the Committee on Indian Affairs. Is there objection?

There was no objection.

ELECTION TO COMMITTEES

Mr. TILSON. Mr. Speaker, I move that the gentleman from Kentucky, Mr. KIRK, be elected to the following committees: Invalid Pensions, Committee on Labor, Committee on Alcoholic Liquor Traffic, and the Committee on Railroads and Canals. I wish to say that we are indebted to the minority side for some of these vacancies. We express our appreciation for their courtesy.

The motion of Mr. TILSON was agreed to.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, there are two more bills to which I think there is no objection on the Consent Calendar.

The SPEAKER. Are the bills in the regular order?

Mr. TILSON. In the regular order.

FEES AND SUBSISTENCE ALLOWANCE FOR JURORS AND WITNESSES

The next business on the Consent Calendar was the bill (H. R. 120) fixing the fees and subsistence allowance of jurors and witnesses in the United States courts.

The Clerk read the title to the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill be considered as having been read twice, ordered to be engrossed, and read a third time, and passed with the committee amendments agreed to.

Mr. CRAMTON. Mr. Speaker, I want to offer an amendment to the committee amendment. On page 3, line 12, strike out "$4" and insert "$5." I will say that the purpose of this bill primarily is to increase the pay of jurors in the Federal courts from $3 a day to $4 a day. My purpose is to increase it to $5 instead. It is a great injustice to the men who are called all over the judicial circuits to serve as jurors in the Federal courts—for instance, in my district they go to the city of Detroit where it costs fully $5 a day for living expenses, and I feel that the pay ought to be increased to that figure.

Mr. BLANTON. The gentleman from Michigan ought not to raise that question now at this late hour. I do not like to make a point of no quorum, but there are lots of communities in the United States where jurors come to court and where they can get fair accommodations in the town for $3 a day. They not only receive $4 per day by this bill, but they get 5 cents a mile travel each way, and they go in their own automobiles. In my colleague's district and in my district the jurors can come in automobiles, and they can ride for less than 5 cents a mile. I hope the gentleman will not insist on this amendment. If he will let the bill go through as it was, I told the gentleman from Pennsylvania I would not object to it.

Mr. CRAMTON. Will the gentleman consent to an amendment making it $5 a day except in the State of Texas where it shall be $4?

Mr. BLANTON. No; I think the committee has given a fair amount, and I think the gentleman ought to let it pass like it is, otherwise I will make the point of no quorum.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. Mr. Speaker, this is a good bill. The Committee on the Judiciary has brought in what it thinks is right. All of these members of the Committee on the Judiciary are lawyers. They have all practiced in the Federal courts of the United States and they know the needs and necessities. I do not think the gentleman from Michigan ought to raise this question.

Mr. CRAMTON. Mr. Speaker, I simply want to try the temper of the House. I certainly do not want to be the cause of a point of no quorum being made at this time.

Mr. BLANTON. That is what the gentleman will surely force if he does not withdraw his amendment.

Mr. CRAMTON. I do not want to be overinsistent upon my point of view. This is a question which the House should decide. Therefore I ask unanimous consent that this bill may be passed over without prejudice and retain its place on the calendar.

Mr. BURTNESS. Mr. Speaker, reserving the right to object, let me say this to the gentleman from Michigan: I am in entire accord with the views of the gentleman from Michigan with reference to the fee. Yet the bill has been considered carefully by the Committee on the Judiciary. As the author of the bill I am very glad to see it pass, giving this relief to jurors of an additional dollar a day, and giving much more needed relief as the bill does to witnesses. I think it is better to let this bill go through to-day as it is. I have done a great deal of work upon this matter for two or three Congresses, and possibly this is a question that could in turn be submitted to the Senate.

Mr. CRAMTON. Mr. Speaker, I do not want to take very much time or be the cause of a point of no quorum being made. Although the amount proposed is absolutely inadequate in my State, I recognize that the bill was introduced by the gentleman from North Dakota and feel I should give weight to what he says. Also that the bill must go to another body, and if that body sees the thing in a proper light, possibly we might have a further opportunity of expressing our views on this in the House. Therefore I ask unanimous consent to withdraw my amendment.

The SPEAKER. Without objection, the amendment will be withdrawn.

There was no objection.

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEGALIZING A MARINE RAILWAY OWNED BY GEORGE PEPPLER

The next business on the Consent Calendar was the bill (H. R. 2830) to legalize a wharf and marine railway owned by George Peppler in Finneys Creek, at Wachapreague, Accomac County, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BEGG. Mr. Speaker, I have an amendment which I desire to offer to that bill. I think we would better quit.

The SPEAKER. Without objection, this bill will be passed over without prejudice.

There was no objection, and it was so ordered.

STORAGE OF THE WATER OF THE PECOS RIVER

The next business on the Consent Calendar was the bill (H. R. 3862) to provide for the storage of the waters of the Pecos River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I shall be extremely sorry to object to anything that the gentleman from Texas [Mr. HUDSPETH] proposes, or to object to a further reclamation extension in that part of the country where they have made such a splendid record in paying for their former projects; but I am constrained to insist upon this. The bill authorizes a new departure. It authorizes this project to be appropriated for either out of the reclamation fund, as is the custom, or out of the General Treasury. There are $2,000,000 involved in this. Then will come along next the Columbia River Basin project and many others. I do not believe we ought to inaugurate that policy. Hence I would be obliged to object to the bill in its present form. If, however, the provision for the appropriations out of the General Treasury could be omitted, I would have no objection.

Mr. HUDSPETH. Mr. Speaker, the House has been very kind in waiting here to consider this bill. I will consent to that amendment being offered.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the bill may be considered as read.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, I move to amend the bill by the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 5, line 23, amend the committee amendment after the word "appropriated" by striking out the word "either"; and on line 24, after the word "fund," strike out the words "or in the General Treasury"; and on page 6, line 2, strike out the remainder of the paragraph.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 37 minutes, p. m.), the House adjourned until to-morrow, Tuesday, March 2, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for March 2, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10 a. m.)

District of Columbia appropriation bill.

COMMITTEE ON COINAGE, WEIGHTS, AND MEASURES

(10 a. m.)

To authorize the coinage of 50-cent pieces in commemoration of the Oregon Trail (H. R. 8306).

COMMITTEE ON THE DISTRICT OF COLUMBIA

(10.30 a. m.)

To regulate the sale of kosher meat in the District of Columbia (H. R. 7255).

COMMITTEE ON FOREIGN AFFAIRS

(10.15 a. m.)

To carry into effect provisions of the convention between the United States and Great Britain concluded on the 24th day of February, 1925.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

(10.30 a. m.)

To amend the immigration act of 1924 (H. R. 7379).

COMMITTEE ON INSULAR AFFAIRS

(10 a. m.)

To provide a permanent government for the Virgin Islands (H. R. 9395).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10.30 a. m.)

To amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein," approved June 30, 1906, amended August 23, 1912, March 3, 1913, July 24, 1919 (H. R. 39).

COMMITTEE ON THE JUDICIARY

(10 a. m.)

Proposing an amendment to the Constitution of the United States (H. J. Res. 15) (changing method of making future amendments).

COMMITTEE ON MILITARY AFFAIRS

(10.30 a. m.)

Department of National Defense.

COMMITTEE ON NAVAL AFFAIRS

(10.30 a. m.)

To provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line (H. R. 7181).

COMMITTEE ON PUBLIC BUILDINGS

(10.30 a. m.)

Granting to the town of Palm Beach, in the State of Florida, certain public lands of the United States of America for the use and benefit of said town (H. R. 4520).

COMMITTEE ON WAYS AND MEANS

(10.30 a. m.)

To amend sections 2804 and 3402 of the Revised Statutes (H. R. 8997) (relating to the importation of cigars and cigarettes).

COMMITTEE ON AGRICULTURE

(10 a. m.)

Bills for relief of agriculture.

COMMITTEE ON PATENTS

(10 a. m.)

To amend the copyright law (H. R. 5245) (H. H. 8182) (H. R. 8464).

To amend the patent laws (H. R. 8379).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

376. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River, Ga., from the foot of Kings Island to the Coastal Highway Bridge (H. Doc. No. 261); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

377. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Savannah River, Ga., from the foot of Kings Island to the sea (H. Doc. No. 262); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

378. A letter from the Secretary of War, transmitting information requested in House Resolution 128, "Directing the Secretary of War to furnish to the House of Representatives the total number of commissioned officers of the Army of the United States who are now assigned and engaged in duties of a civilian nature and strictly in line with their military duties as officers and the individual names of such officers, their rank, and the nature of the duty to which they have been assigned"; to the Committee on Military Affairs.

379. A letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report on preliminary examination of Columbia River between Martins Bluff and mouth of Lewis River, Wash.; to the Committee on Flood Control.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SINNOTT: Committee on the Public Lands. H. R. 9038. A bill authorizing the Secretary of the Interior to delegate to supervisory officers the power to make temporary and emergency appointments; without amendment. (Rept. No. 424). Referred to the House Calendar.

Mr. GREEN of Iowa: Committee on Ways and Means. H. J. Res. 148. A joint resolution extending the time during which cattle which have crossed the boundary line into foreign countries may be returned duty free; without amendment (Rept. No. 425). Referred to the Committee of the Whole House on the State of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on the Public Lands was discharged from the consideration of the bill S. 545 for the payment of damages to certain citizens of New Mexico caused by reason of artificial obstructions to the flow of the Rio Grande by an agency of the United States, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRAND of Georgia: A bill (H. R. 9868) for the erection of a tablet or marker to be placed at some suitable point at Alfords Bridge, in the county of Hart, State of Georgia, on the National Highway, between Georgia and South Carolina, to commemorate the memory of Nancy Hart; to the Committee on the Library.

By Mr. ELLIOTT: A bill (H. R. 9869) to authorize and empower the Secretary of the Treasury to accept a corrective deed to certain real estate in the city of New York for the use of the new post-office building; to the Committee on Public Buildings and Grounds.

By Mr. GAMBRILL: A bill (H. R. 9870) relating to length of service of certain professors of mathematics in the Navy; to the Committee on Naval Affairs.

By Mr. TOLLEY: A bill (H. R. 9871) to amend the tariff act of 1922; to the Committee on Ways and Means.

By Mr. WEFALD: A bill (H. R. 9872) to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925; to the Committee on Foreign Affairs.

By Mr. HARE: A bill (H. R. 9873) to regulate commerce in adulterated and misbranded seed and to prevent the sale or transportation thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LITTLE: A bill (H. R. 9874) to authorize the President of the United States to name the members of the National Farm Commission, which will act for the interests of the farmers and livestock raisers; to the Committee on Agriculture.

By Mr. McLEOD: A bill (H. R. 9875) to amend an act entitled "An act authorizing the Secretary of the Treasury to sell the United States marine hospital reservation and improvements thereon at Detroit, Mich., and to acquire a suitable site in the same locality and to erect thereon a modern hospital for the treatment of the beneficiaries of the United States Public Health Service, and for other purposes," approved June 7, 1924; to the Committee on Public Buildings and Grounds.

By Mr. MORTON D. HULL: A bill (H. R. 9876) to amend section 117 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HOCH: A bill (H. R. 9877) to amend paragraphs (3) and (4) of section 13 of the interstate commerce act; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: A bill (H. R. 9878) to amend section 28 of the Judicial Code, as amended; to the Committee on the Judiciary.

By Mr. RAGON: A bill (H. R. 9879) granting the consent of Congress to Yell and Pope County bridge district, Dardanelle and Russellville, Ark., to an extension of the time in which to construct a bridge across the Arkansas River at or near the city of Dardanelle, Yell County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH: A bill (H. R. 9880) to adjust water-right charges, to grant certain other relief on the Federal irrigation projects, to amend subsections E and F of section 4, act approved December 5, 1924, and for other purposes; to the Committee on Irrigation and Reclamation.

Mr. MAGEE of Pennsylvania: A bill (H. R. 9881) to authorize the disposition of lands no longer needed for naval purposes; to the Committee on Naval Affairs.

By Mr. NEWTON of Missouri: Joint resolution (H. J. Res. 184) providing for the immediate restoration to the owners of all private property seized by the United States during the World War under the act of October 6, 1917, and providing for the payment of American damage claims against Germany by the issuance of Treasury bonds; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: Resolution (H. Res. 154) for the consideration of H. R. 9690; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorials of the following municipal governments of the Philippine Islands: Lingayen, Nanna, Ilocos Norte, San Nicilas, Ilocos Norte, favoring the passage of Senator KING's bill, which favors the independence of the Philippine Islands; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 9882) granting an increase of pension to Eliza J. Williams; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 9883) granting an increase of pension to Mary E. Bradley; to the Committee on Invalid Pensions.

By Mr. BRAND of Ohio: A bill (H. R. 9884) for the relief of Mrs. William F. Baxley; to the Committee on Claims.

Also, a bill (H. R. 9885) granting a pension to John Ryan; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 9886) granting an increase of pension to Ida M. Snell; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9887) granting a pension to Amelia A. Conner; to the Committee on Invalid Pensions.

By Mr. ESTERLY: A bill (H. R. 9888) granting an increase of pension to George W. Rathman; to the Committee on Pensions.

By Mr. GAMBRILL: A bill (H. R. 9889) granting a pension to Lizzie A. Veasey; to the Committee on Pensions.

By Mr. GASQUE: A bill (H. R. 9890) for the relief of T. O. Flowers; to the Committee on Claims.

By Mr. JOHNSON of Illinois: A bill (H. R. 9891) granting an increase of pension to Mary Ann Clark; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9892) granting a pension to Lucretia Gilmore; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 9893) for the relief of Lawrence Perry; to the Committee on Military Affairs.

By Mr. KIESS: A bill (H. R. 9894) granting an increase of pension to Eunice Smith; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 9895) granting an increase of pension to Elizabeth A. Lytle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9896) granting an increase of pension to Mary Ella Feay; to the Committee on Invalid Pensions.

By Mr. MAGRADY: A bill (H. R. 9897) granting a pension to Nelle G. Eckman; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 9898) granting a pension to Fred Libbee; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 9899) granting an increase of pension to Mary E. Swick; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 9900) granting an increase of pension to Augusta M. Dolloff; to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9901) granting an increase of pension to Annie E. Troop; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 9902) to correct the military record of Pleasant R. W. Harris; to the Committee on Military Affairs.

Also, a bill (H. R. 9903) to correct the military record of James Shook; to the Committee on Military Affairs.

By Mr. REID of Illinois: A bill (H. R. 9904) for the relief of E. A. Sterling, jr.; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 9905) granting a pension to Martha A. Dicken; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New Jersey: A bill (H. R. 9906) granting a pension to William J. Phillips; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9907) granting a pension to Michael McLaughlin; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9908) granting a pension to Adelaide A. Ryerson; to the Committee on Invalid Pensions.

By Mr. WHITEHEAD: A bill (H. R. 9909) granting an increase of pension to Ann E. Reamer; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 9910) granting an increase of pension to Susan A. Troutman; to the Committee on Invalid Pensions.

By Mr. FULLER: Resolution (H. Res. 153) authorizing the Committee on Invalid Pensions to employ an expert examiner of pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

856. Petition of the Iowa Agricultural Experiment Association, urging the staining of imported red clover seed; to the Committee on Agriculture.

857. By Mr. BARBOUR: Resolution adopted by El Dorado Post No. 119 of the American Legion, Department of California, requesting the erection of a public building at Placerville,

Calif., as a memorial to the late Hon. John E. Raker; to the Committee on Public Buildings and Grounds.

858. By Mr. BOYLAN: Petition of the Catholic Verein of America, New York Local Branch, vigorously opposing the Curtis-Reed bill; to the Committee on Education.

859. Also, petition of the National Guard Association of the State of New York, urging an all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Rivers and Harbors.

860. By Mr. CAREW: Petition of National Guard Association, State of New York, in support of Lakes to Atlantic Ocean steamship canal through State of New York and Hudson River; to the Committee on Rivers and Harbors.

861. By Mr. CONNERY: Resolution of the Schiller-Freheit Lodge, No. 17, Lawrence, Mass., with reference to their desire for a modification of the Volstead Act; to the Committee on the Judiciary.

862. Also, resolution of the German Central Association, of Lawrence, Mass., in favor of beers and light wines; to the Committee on the Judiciary.

863. Also, resolution of the Gordon E. Denton Post, Veterans of Foreign Wars, in favor of a separate air service; to the Committee on Military Affairs.

864. By Mr. FULLER: Petition of the Interstate Iron & Steel Co., opposing any discrimination in the long and short haul; to the Committee on Interstate and Foreign Commerce.

865. By Mr. FUNK: Resolution of the Livingston County (Ill.) Bankers' Federation, of Pontiac, Ill., indorsing the Dickinson bill, etc.; to the Committee on Agriculture.

866. By Mr. GALLIVAN: Petition of Walworth Co., Boston, Mass., protesting against the Gooding bill; to the Committee on Interstate and Foreign Commerce.

867. Also, petition of Brig. Gen. Jesse F. Stevens, the adjutant general, Commonwealth of Massachusetts, recommending favorable consideration of House bill 7481, granting to officers of the Spanish War the same privileges of retirement for disabilities as are being fought for by the World War veterans; to the Committee on Military Affairs.

868. By Mr. KIEFNER: Petition of Friday Literary Club, of Fredericktown, Mo., together with professional and business men of that town, favoring the reenactment of the Sheppard-Towner Act; to the Committee on Interstate and Foreign Commerce.

869. Also, petition of the Missouri State Board of Agriculture, favoring adequate appropriations and immediate work on the Missouri River and the upper Mississippi; to the Committee on Rivers and Harbors.

870. By Mr. MEAD: Resolutions urging all-American ship canal, by the National Guard Association of New York State; to the Committee on Rivers and Harbors.

871. By Mr. MILLS: Petition of the Catholic Verein of America, New York local branch, vigorously opposing the Curtis-Reed bill; to the Committee on Education.

872. By Mr. O'CONNELL of New York: Petition of the American Association for Labor Legislation, favoring the passage of the Cummins-Graham compensation bill (S. 3170) and (H. R. 9498); to the Committee on the Judiciary.

873. Also, petition of the National Guard Association of the State of New York, urging all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Interstate and Foreign Commerce.

874. By Mr. PATTERSON: Resolution of the New Jersey State Federation of Woman's Clubs, favoring an appropriation of $10,000,000 for the erection of a building in Washington, D. C., to be known as the national building of art; to the Committee on Public Buildings and Grounds.

875. By Mr. SINCLAIR: Petition of the members of the Associated National Farm Loan Association of the States of Minnesota and North Dakota, urging the enactment of legislation to give farming the same protection that other industries enjoy; to the Committee on Agriculture.

876. By Mr. STRONG of Pennsylvania: Petition of voters of Homer City, Pa., and vicinity in favor of the establishment of a Federal department of education, free of so-called welfare agencies, but with an advisory council composed of the superintendents of public instruction of the 48 States; to the Committee on Education.

877. By Mr. VARE: Memorial of Philadelphia Board of Trade, relative to proposed legislation dealing with farm relief; to the Committee on Agriculture.

878. By Mr. WELLER: Petition of National Guard Association of the State of New York, for the construction of an all-American ship canal from Great Lakes to Atlantic Ocean, Mohawk and Hudson Valleys; to the Committee on Rivers and Harbors.

SENATE

TUESDAY, *March 2, 1926*

(Legislative day of Monday, March 1, 1926)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

Ashurst	Fess	McKinley	Robinson, Ind.
Bingham	Fletcher	McLean	Sackett
Blease	Frazier	McMaster	Sheppard
Bratton	George	McNary	Shortridge
Brookhart	Glass	Mayfield	Smith
Broussard	Goff	Means	Smoot
Bruce	Gooding	Metcalf	Stanfield
Cameron	Greene	Moses	Stephens
Capper	Hale	Neely	Swanson
Caraway	Harreld	Norbeck	Tyson
Copeland	Harris	Norris	Walsh
Couzens	Heflin	Nye	Warren
Cummins	Howell	Oddie	Watson
Curtis	Johnson	Overman	Weller
Dale	Jones, Wash.	Pepper	Wheeler
Deneen	Kendrick	Phipps	Williams
Dill	Keyes	Pine	Willis
Edwards	King	Pittman	
Ernst	La Follette	Reed, Pa.	
Ferris	McKellar	Robinson, Ark.	

Mr. CURTIS. I wish to announce that the Senator from Massachusetts [Mr. BUTLER], the Senator from Maine [Mr. FERNALD], and the Senator from Minnesota [Mr. SCHALL] are absent because of illness.

I was requested to announce that the Senator from New York [Mr. WADSWORTH] and the Senator from Delaware [Mr. BAYARD] are engaged in the Committee on Appropriations.

Mr. HEFLIN. My colleague, the senior Senator from Alabama [Mr. UNDERWOOD], is absent on account of illness.

Mr. NORRIS. The senior Senator from Idaho [Mr. BORAH] is detained from the Chamber owing to illness.

Mr. LA FOLLETTE. I wish to announce that the Senator from Minnesota [Mr. SHIPSTEAD] is confined to his home by illness.

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

REPORT OF THE COMMISSIONER OF PATENTS

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the report of the Commissioner of Patents for the calendar year ended December 31, 1925, which, with the accompanying report, was referred to the Committee on Patents.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 1305. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 2784. An act granting the consent of Congress to the Louisiana highway commission to construct, maintain, and operate a bridge across the Black River at or near Jonesville, La.; and

S. 2785. An act granting the consent of Congress to the Louisiana highway commission to construct, maintain, and operate a bridge across the Ouachita River at or near Harrisonburg, La.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 120. An act fixing the fees of jurors and witnesses in the United States courts, including the District Court of Hawaii, the District Court of Porto Rico, and the Supreme Court of the District of Columbia;

H. R. 290. An act to amend section 99 of the act to codify, revise, and amend the laws relating to the judiciary, and the amendment to said act approved July 17, 1916 (39 Stat. L. ch. 248);

H. R. 3862. An act to provide for the storage of the waters of the Pecos River;

H. R. 5210. An act extending the provisions of an act for the relief of settlers and entrymen on Baca Float No. 3, in the State of Arizona;

H. R. 5701. An act to designate the times and places of holding terms of the United States District Court for the District of Montana;